ILLINOIS AND THE NATION

TROWBRIDGE

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UNITED STATES OF AMERICA.



THE CAPITOL, SPRINGFIELD.

Illinois and the Nation

How They Are Governed.

FOR THE USE OF SCHOOLS, TEACHERS' INSTITUTES AND FOR PRIVATE INSTRUCTION.

BY

OLIVER R. TROWBRIDGE,

Member of the Bloomington Bar.



TWENTY-FIFTH EDITION.

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CONTENTS.

HISTORICAL SKETCH.

PAGE

Northwest Territory 7
Indiana Territory 7
Illinois Territory 7
State of Illinois 7, 8

CHAPTER I.

THE TOWNSHIP SURVEY SYSTEM.

How Land is divided 9
How Land is described 13

CHAPTER II.

STATE GOVERNMENT.

Legislative Department 17
Executive Department 37
Judicial Department 44

CHAPTER III.

THE DIVISIONS OF THE STATE.

Description of the Divisions 50

CHAPTER IV.

COUNTY GOVERNMENT.

Legislative Department 55
Executive Department 58
Judicial Department 61

CHAPTER V.

TOWN GOVERNMENT.

Legislative Department 66
Executive Department 69
Judicial Department 75

CHAPTER VI.

CITY AND VILLAGE GOVERNMENT.

PAGE
Legislative Department 77
Executive Department 79
Judicial Department 80

CHAPTER VII.

PUBLIC SCHOOL SYSTEM.

Origin 82
Relation to State Government 83
School Funds 83
School Officers and their Duties 86

CHAPTER VIII.

MISCELLANEOUS.

State Educational Institutions 98
State Charitable Institutions 100
State Penal and Reformatory Institutions 102
State Boards 104
Officers Appointed by the Governor 113
The State Militia 116
Illinois Central Railroad 116
Illinois and Michigan Canal 117
Congressional and Senatorial Districts 118
Judicial Grand Divisions, Districts, and Circuits 123

CHAPTER IX.

NATIONAL GOVERNMENT.

Historical Sketch 127
Legislative Department 129
Executive Department 157
Judicial Department 177

APPENDIX.

Constitution of Illinois 191
Constitution of the United States 239
Index 257

PREFACE.

THE State of Illinois cannot afford to expend $10,000,000 per annum for educational purposes unless her schools prepare their pupils for good citizenship. In these days it is not enough that the youth should become honest, industrious, and law-abiding citizens. They must be educated in the elementary principles and practical workings of our republican form of government. Ignorance in regard to these matters is far too prevalent among our people. New questions, such as concern the civil service, direct legislation, proportional representation and kindred subjects constantly arise and must be met in a practical way. Unless the people understand the present machinery of our government, they can judge neither of its merits and demerits, nor of the merits and demerits of any proposed alteration.

This book was written in the hope of promoting the study of the governments of Illinois and the Nation, and of hastening the time when the civil government of our State will be added to the list of required studies for our common schools.

OLIVER R. TROWBRIDGE.

CIVIL GOVERNMENT OF ILLINOIS.

HISTORICAL SKETCH.

Northwest Territory.—At the close of the Revolutionary War, nearly every State claimed that its western boundary was the Mississippi River. But very soon New York, Virginia, Connecticut and Massachusetts gave that part of their territory lying north of the Ohio River and west of Pennsylvania to the Government of the United States to assist in paying the debt incurred by the Revolution.

In 1787, Congress formed the territory received from these States into the Northwest Territory, and after surveying it, sold it as *public land.*

When did the Revolutionary War close? What States reserved a part of their western territory? Where were the reserved territories, and what were they called?

Indiana Territory.—In 1800, the Northwest Territory was divided, and Indiana Territory was formed of the western part. It included all the Northwest Territory except the present State of Ohio, and a small part of Indiana and of Michigan.

Illinois Territory.—In 1809, Indiana and Michigan territory having been taken out, the remainder was called the Illinois Territory. It included Illinois, Wisconsin, and part of Minnesota.

State of Illinois.—In 1818, Illinois, was admitted as a State.

Capitals.—Illinois has had three capitals. The first, Kaskaskia; the second, Vandalia; the third, Springfield. Locate each.

Constitutions.—Illinois has also had three constitutions. The first was adopted in 1818, the second in 1848, and the third in 1870. The last forms the basis of our study.

Boundary.—The constitutional or legal boundary of a state differs from its geographical boundary. Let us take a journey together, keeping on the boundary line of Illinois.

Starting at the point where parallel of latitude 42 degrees 30 seconds N. crosses the middle of the Mississippi River, we follow this parallel eastward until it intersects the meridian which marks the middle of Lake Michigan; then south on this meridian till we reach the northern boundary of Indiana, which we follow westward until we come to the meridian passing through Vincennes, Indiana; we then go south on this meridian till we come to the middle of the Wabash River; we follow the middle of this river until we come to its junction with the Ohio River, at which place we are obliged to change to the northwest bank of the latter, which we follow down stream to the Mississippi River; then, following the middle of the "Father of Waters," we complete our journey by ascending to the point of starting.

Trace this journey on a map.

When countries or states are separated by lakes or navigable rivers, the middle of the lake or stream is usually the boundary line.

The Northwest Territory had for its southern boundary the northern side of the Ohio River at low water mark, and the States formed from it all have the same for their southern boundaries.

CHAPTER I.

THE TOWNSHIP SURVEY SYSTEM.

HOW LAND IS DIVIDED.

Need of a Survey System.—In order that we may understand what is to follow, we must now learn about the township system of land surveys in the United States.

Prior to 1786 the land surveys were by no means uniform. But in that year Congress adopted a new system of which Thomas Jefferson is said to have been the author.

A good system of surveys must divide the land into tracts of convenient shape and size, and must designate each tract, however small, briefly and accurately. Let us first learn how the land is divided; second, how described.

Principal Meridian.—The surveyors begin by establishing a north and south line which passes through some prominent and convenient point. Of course the line is a meridian of the earth's surface; and since the surveyors use it as their principal north and south line, it is called a Principal Meridian.

Base Line.—A line which crosses the principal meridian at right angles at some convenient point is then established, and is called a Base Line.

Township Lines.—Meridians six miles apart on each side of the principal meridian, and parallels six miles apart on each side of the base line are then established. These are called Township Lines.

Congressional Townships.—The squares inclosed by the township lines are called Congressional Townships.

We need not stop for all the particulars of the survey. By consulting the following diagram, we can understand the main features of the system:

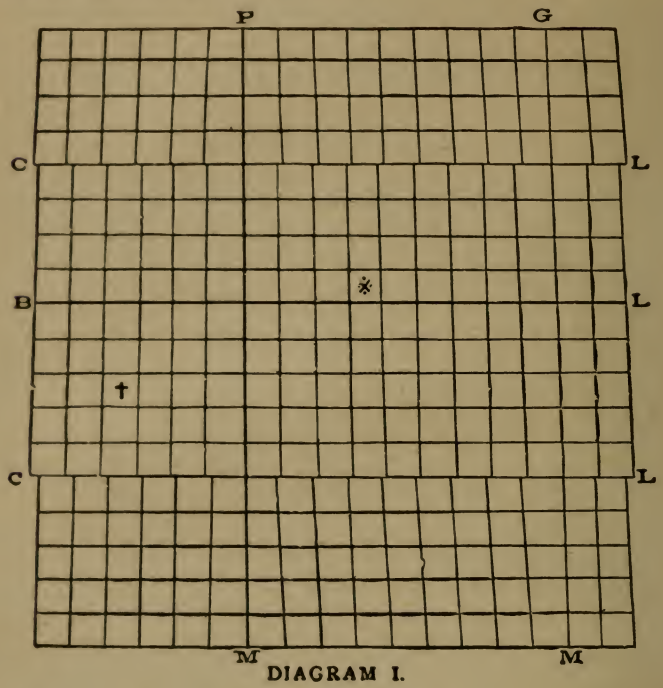


DIAGRAM I.

The heavy vertical line marked P M represents a part of a principal meridian. It is crossed at right angles by a heavy line marked B L representing a part of its base line. The light vertical lines which cross the base line, and the light lines parallel to the base line represent township lines; the squares inclosed represent congressional townships.

Sections and Section Lines.—Each township is divided into sections, each one mile square. They are represented in Diagram II. The lines bounding sections are called Section Lines.

Division of Sections. — Each section is divided into halves, quarters, eighths, and sixteenths. The surveyors that mark the township never survey the section.

Each section contains 640 acres, "more or less." Since its east and west boundaries are meridians, it is evident that on account of the convergence of these meridians as they approach the poles, a section is not a perfect square; hence it does not contain exactly 640 acres.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

DIAGRAM II.

How many acres in each subdivision of a section? How many acres in a township? What is meant by the "convergence of meridians"? See your geography.

Correction Lines.—It will also be seen that the meridians which bound the townships are *six miles apart only at the Base Line.*

Since north of the base line the meridians approach each other, if no corrections were made, the townships would become smaller and smaller the farther they were from the base line. To remedy this, correction lines are established every twenty-four miles north of the base line, and every thirty miles south of it, in this latitude.

Double Corners.—The convergence north, or divergence south of the base line is taken up on the correction lines, and the townships start again with their proper width. Both township and section lines have double corners at the correction lines. These are called *closing* corners and *standard* corners.

Which are the closing corners? Which the standard? Why are the correction lines farther apart south of the base

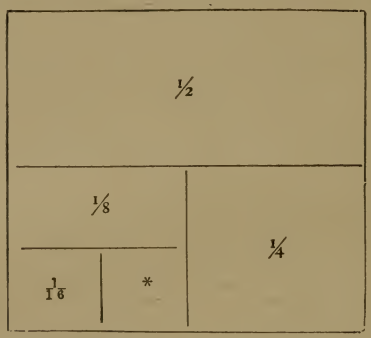


DIAGRAM III.

line than north of it? Why do the meridians "jog" in opposite directions on opposite sides of the principal meridian.

Guide Meridians.—Every fifty-four miles east and west of the principal meridian a new meridian is established, and is called a Guide Meridian.

Can you determine from the diagram I. why it is established?

The loss in width from convergence at any Correction Line near latitude 42 degrees N. is about twelve rods for each township. Therefore the "jog" of the first Township Line east or west of the Principal Meridian is about twelve rods; the second Township Line, twenty-four rods; the third, thirty-six, etc. The "jog" at the ninth Township, or

fifty-fourth Section Line is about one hundred and eight rods. Diagram I. will show how the Guide Meridian is used in correcting the survey. Neither Guide Meridians nor Correction Lines were used in the early surveys.

Location of Principal Meridians.—The First Principal Meridian forms the boundary between Ohio and Indiana. The Second Principal Meridian begins on the Ohio River at the mouth of Little Blue Creek, and extends north through Indiana very near the middle. The Third Principal Meridian extends north from the mouth of the Ohio River through Illinois at about the middle. Its Base Line crosses it at the northwest corner of Jefferson County, and is the continuation of the Base Line of the Second Principal Meridian. The Fourth Principal Meridian begins at the mouth of the Illinois River, and extends north to Lake Superior. Its Base Line crosses it at Beardstown. Two other Principal Meridians, the Fifth and Sixth, are numbered. They are both west of the Mississippi River. The other Principal Meridians are named, not numbered.

HOW LAND IS DESCRIBED.

Basis of Description.— *In order accurately to locate a place, its position must be described with reference to two lines that intersect at right angles.*

Locate a few places on the earth's surface by giving their latitude and longitude. What two lines are used in locating each? Locate the desk of one of the pupils. Suppose it is the fifth desk in the third row from the left side of the room, what two lines are used in locating it?

Townships.—In the first place the townships are numbered in order north and south of the Base Line. Thus the township marked * in Diagram I. is called township one

north; the one marked † is township three south. But these descriptions are not sufficiently accurate, as all townships east and west of these two are numbered just as they are with reference to the Base Line.

Ranges.—With reference to the Principal Meridian the townships are not numbered separately east and west, but are considered in rows, or *Ranges,* as they are called. All townships immediately east of the Principal Meridian are in Range one east; the townships immediately east of these are in Range two east, etc.

The township marked * in Diagram I. is completely described as Township 1 North, of Range 4 East of the given Principal Meridian; the township marked †, as Township 3 South, of Range 4 West of the given Principal Meridian.

Study the diagram until you can describe accurately any township or locate it when its description is given.

Survey of Illinois.—Illinois is surveyed partly from the Second, partly from the Third, and partly from the Fourth Principal Meridian.

South of the middle of Kankakee County the ranges are numbered east from the Third Principal Meridian to Range XI.; north of this line they are numbered east to the State line. The ranges number west from this meridian to the Mississippi and Illinois Rivers, except those numbered from the Fourth Principal Meridian. The ranges in Illinois east of Range XI. are numbered west from the Second Principal Meridian. Range XI. East is a range of fractional townships, some of which are less than a mile wide.

That part of Illinois lying west of the Illinois River and west of that part of the Third Principal Meridian which is north of the Illinois River, is surveyed from the Fourth Principal Meridian.

No school in the State should be without a map of Illinois showing the counties, principal meridians, base lines, ranges, lines, townships and the manner in which they are numbered. Any Chicago dealer in school supplies can furnish such a map, mounted for wall use, for from one to two dollars.

Sections.—The sections of a township are numbered from east to west and from west to east alternately, beginning at the northeast corner of the township. A careful study of the second diagram will make this clear. Be able to reproduce this diagram, as well as the others, from memory.

School Sections.—Instead of selling all the sections of a township as public land, the United States government set apart section 16 for the maintenance of public schools. Since 1852, sections 16 and 36 have been given for school purposes. Such sections are usually called "school sections." In Illinois each township has but one school section.

Who live on the school section in your township?

Divisions of Sections.—Assume the section represented by Diagram III. to be section ten in township 6 north, of range 3 west of the principal meridian. Then the half-section shown is described as "the north one-half of section ten in township 6 north, of range 3 west of the third principal meridian, containing 320 acres more or less;" the quarter section, as "the southeast quarter of section ten," etc.; the one-eighth, as "the north half of the southwest quarter of section ten," etc.; the one-sixteenth, marked *, as "the southeast quarter of the southwest quarter of section ten," etc.

Give a full description of each subdivision of the section represented in the following diagram.

Abbreviations Used in Describing Land.—Descriptions may be abbreviated. Thus the tract marked * may be described N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$, Sec. 10, T. 6 N., R. 3 E.

of the 3d P. M. Write the abbreviations for each of the divisions given below:

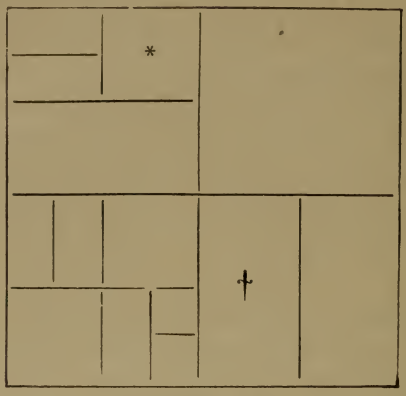


DIAGRAM IV.

In tax receipts, delinquent tax lists, etc., the descriptions are still further abbreviated. The only fractions used in the descriptions are *one-half* and *one-fourth.* Since one-fourth occurs much more frequently than one-half, the writing of the former is omitted, being understood when no fraction is given. The description is still further abbreviated by omitting all punctuation marks; and in printed lists, small letters are used instead of capitals. Thus the tract marked * is described as ne nw; the tract marked †, as w½ se.

Describe all the tracts given, in this way, and be able to locate any tract from such description. Examine some real estate tax receipts and, if possible, a delinquent tax list as published in the county papers.

Is it necessary for the exact description of land for the State and county to be given?

CHAPTER II.

STATE GOVERNMENT.

Three Departments.—As in the Nation, so in the State, there are three departments of government: The legislative, executive, and judicial. The first makes the laws, the second executes the laws, the third interprets the laws and decides disputes arising under them.

The three departments, however, are not entirely distinct. The governor, an executive officer, has the power to veto all laws passed by the legislature. The legislature has judicial power in cases of impeachment, and executive power in confirming appointments made by the governor. The judiciary have a form of executive power in compelling men to obey the laws, and officers to perform their duties, as in cases of *mandamus*.

The county and all other divisions of the State have the three departments above mentioned, as will be shown; although in some cases they are less distinct than in the State.

A separate chapter will be given to our public school system, and the duties of school officers will be given in that connection; yet they may be learned with the others.

LEGISLATIVE DEPARTMENT.

The State Legislature.—The law making body of Illinois is the General Assembly, which consists of two Houses: The Senate, or "Upper House," and the House of Representatives, or "Lower House." The General Assembly is commonly known as the "legislature."

How Designated.—The different General Assemblies are designated by number, as the First General Assembly, the Twenty-eighth General Assembly. Each General Assembly lasts two years, and in that time holds but one regular session. What is the number of the present General Assembly? Has it held its regular session?

Time and Place of Meeting.—The General Assembly holds its regular sessions at Springfield every two years, the sessions commencing at twelve o'clock noon on Wednesday next after the first Monday of January of the odd numbered years.

Senatorial Districts.—Every ten years, at the first session after the taking of the census, the General Assembly divides the State into fifty-one Senatorial districts. These districts must contain as nearly as practicable the same number of inhabitants, must be formed of contiguous and compact territory, and be bounded by county lines. But a county containing not less than one and three-fourths of the senatorial ratio may be divided into separate districts according to the number of times it contains the ratio. No district can contain less than four-fifths of the senatorial ratio. The senatorial ratio is found by dividing the number expressing the population of the State by fifty-one.

The districts are numbered from one to fifty-one. In what district do you live? (See index.)

Number of Senators and Representatives.—One senator and three representatives are elected from each senatorial district. How many members in each house?

Election of Members.—Members of the General Assembly are elected on the Tuesday next after the first Monday of November of the even numbered years. At every election *all* of the members of the next Lower House are elected, and half the members of the next Senate, the senators from the

even numbered districts being chosen at one election, and those from the odd numbered, at the next. Because half of its members "hold over" at each session, the Senate is sometimes called the "permanent" house of the General Assembly. Were the Senators chosen at the last election from the odd or even numbered districts?

Vacancies.—When a vacancy occurs in either house, the governor orders a special election in that district to fill the vacancy, if the legislature is in session, or if there be a session before the next election of members to the General Assembly. Otherwise the vacancy is not filled.

Minority Representation.—There are three members of the Lower House elected at the same time in every senatorial district. Every voter has the right to vote for the three men, giving each one vote; for two men, giving to each one and a half votes; or for one man, giving him three votes.

In voting for two men a person may give two votes to one, and one to the other, or distribute his votes in two or three other ways; but he is not likely to do so. By this plan the party in the minority can usually elect one man by having but one candidate, and giving him all the votes. How large must the minority be to elect one man?

Usually the party in the majority nominates two candidates, and the one in the minority nominates one candidate, in this case a nomination is equivalent to an election unless a second minority party develops unexpected strength in voting for a single candidate. When two parties are nearly equally divided, both sometimes nominate two candidates. In this case, the friends of one candidate will give three votes for their favorite, instead of one and a half for each candidate on the ticket. This is called "plumping," and may sacrifice party to personal interests.

A special vote was taken in 1870 on the section of the constitution relating to minority representation, and it was

adopted. What are its advantages? Do you know of any other State that has minority representation?

Term of Members.—The members of the Lower House are elected for two years, and those of the Upper House for four years.

Eligibility of Members.— Senators must be twenty-five, and representatives twenty-one years of age. Both must be citizens of the United States, and residents of this State five years, and of their respective districts two years next preceding their election.

Neither senators nor representatives can hold any office under this State, the United States, or any foreign government, excepting appointments in the militia, and the offices of notary public and justice of the peace in this State.

No person can be a senator or representative after he has been convicted of bribery, perjury, or other infamous crime, or after he has failed to account for, and pay over all public moneys collected or held by him at any time.

The laws of Illinois name the crimes which are "infamous" in this State.

What is bribery? What is perjury?

Oath of Members.—In addition to the usual oath of office, every senator or representative is required to swear (or affirm) that he has not paid anything, or made any promise in the nature of a bribe, to influence any vote at the time of his election; and that he has not, and will not accept anything from any corporation or person for any vote or influence he may give or withhold on any bill, resolution, or appropriation, or for any official act.

The oath is subscribed by each member, and is filed in the office of the secretary of State. If any member should refuse to take the oath as prescribed by the constitution, he would forfeit his office.

What is it to subscribe an oath?

Privileges of Members. — Senators and representatives are privileged from arrest in all cases except treason, felony, or breach of the peace, during the session of the General Assembly, and in going to and returning from it.

Treason is defined in the third article of the constitution of the United States. (See appendix.)

In Illinois a felony is an offense punishable with death or with imprisonment in a penitentiary.

What is a breach of the peace?

No member of either house can be called to account at any other place for any speech or debate made in the house to which he is elected. This gives freedom of speech. A similar provision is found in the National constitution.

Disabilities of Members. — No senator or representative can be appointed by the governor, with or without the consent of the Senate, to any civil office within the State during the term for which he is elected.

Members of the General Assembly cannot be interested in any contract with the State, or with any county, which is authorized by any law passed while they are members, or for one year after their terms have expired.

What reasons can you give for these disabilities?

Pay of Members. — Members of the General Assembly receive $1,000 for each regular session; five dollars per day for any special or called session, and ten cents for each mile necessarily traveled in going to, and returning from, Springfield. The mileage is computed by the auditor of public accounts. Fifty dollars per session is allowed each member for stationery, postage, newspapers, and other incidental expenses.

Both the pay and the mileage allowed each member are certified to by the presiding officer of his house, and having been entered upon the journal, are published at the close of the session.

The pay of members can be changed, but not for those elected for the term in which the change is made. Why not?

Quorum.—A majority of the members *elected* to each house constitutes a quorum.

What is a quorum?

Rules.—Each house determines the rules of its own proceedings.

When the legislature meets, one of the first things that demands the attention of each house is the rules that are to govern its proceedings. Usually upon motion of some member, the rules of the last Senate or House, as the case may be, are adopted temporarily, and a committee on permanent rules is appointed. This committee soon reports, giving the proposed rules in detail. The rules as reported by the committee are discussed, perhaps amended, and adopted. Some book on parliamentary practice, as *Cushing's Manual* or *Roberts' Rules of Order,* is then adopted as authority in all questions not touched upon by the rules adopted.

Membership.—Each house is the judge of the elections, qualifications, and returns of its own members.

It sometimes happens that two men claim election as senator, or four as representatives, from the same district. In such cases those having the proper certificates of election signed by the governor are usually seated until the proper house can investigate the matter, and decide between the contestants. The houses are not always impartial judges in cases of contested elections of their respective members, and sometimes, no doubt decide from political bias. But it is thought that no other body should decide these cases.

Certificates of election are called "credentials."

After every election for members of the General Assembly, all county clerks make abstracts of the election in their respective counties, showing the number of votes received

by each candidate. The abstracts are called the "returns" of the election, and may be questioned as to the genuineness or accuracy.

The secretary of State, auditor, treasurer, attorney-general, or any two of them, in the presence of the governor, canvass all the returns, and publish the result of the election.

Officers—How Chosen.— Each house chooses its own officers.

Officers of the House.—The usual officers of the House are Speaker, clerk and three assistants, door-keeper and three assistants, postmaster and one assistant, enrolling and engrossing clerk and two assistants.

Officers of the Senate.—The usual officers of the Senate are President, president *pro tempore,* secretary and two assistants, postmaster and one assistant.

Speaker.—It is the duty of the Speaker to preside over the House, to sign all bills passed by the House, to appoint the standing committees and most of the special committees.

Committees.—There are about forty-five standing committees of the House, each consisting of from three to twenty-five, or more, members. Usually a majority of each committee are members of the same political party as the Speaker. The chairman of the committee is named in the appointment.

All measures concerning the State's finances are referred to the Committee on Finance, who examine them separately, and report to the House. Measures concerning matters of education are referred to the Committee on Education, and so on.

Only slight changes to the reports of committees are usually made by the legislature, so the committees practically control the legislature. For this reason chairmanships of important committees are much sought after by the friends of the Speaker.

President of the Senate.—The duties of the President of the Senate are about the same as those of the Speaker. He is elected by the people under the title of Lieutenant-Governor, and is *not a member of the Senate.* He has no vote, except when the Senate is evenly divided. The Speaker of the House *is always a member of that body,* and as such, has a vote on *all* questions. Many people think if a member of a body is chosen chairman, he has no vote except in case of a tie. This is a mistake. If the chairman be a member of the body over which he presides, his right to vote on any question is just the same as though he were not chairman.

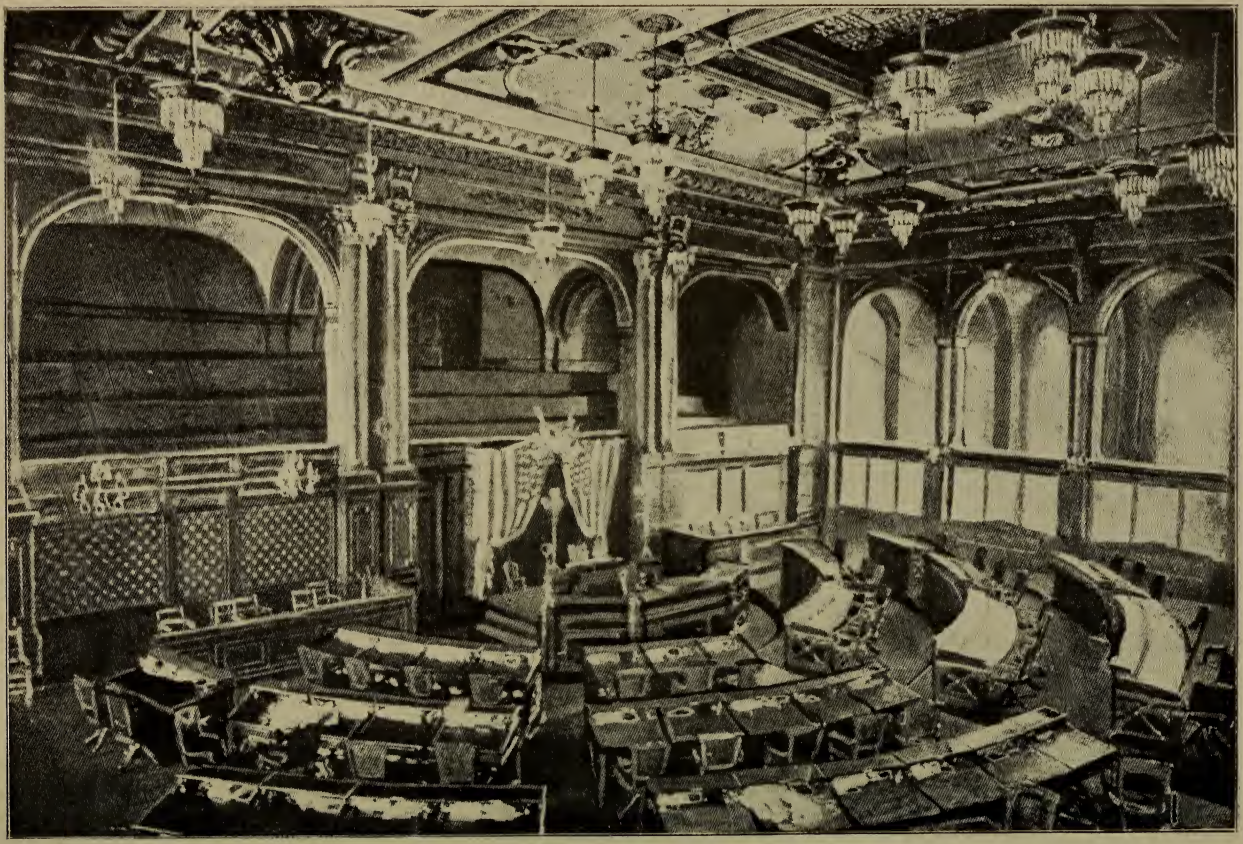
President Pro Tempore.—The president *pro tempore* is a member of the Senate who is chosen to preside in the absence of the President; he does not lose his right to vote.

Clerk and Secretary.—The clerk of the House and the secretary of the Senate perform similar duties for their respective houses. They read the proceedings of the previous day, call the roll, read bills, resolutions, and keep a record of the proceedings from day to day.

The clerk is required to furnish the State printer with an exact copy of each day's proceedings, so that a copy of the proceedings of the preceding day may be placed upon the desk of each member every morning.

Door-keeper and Sergeant-at-Arms.—The door-keeper of the House, and the sergeant-at-arms of the Senate serve the processes, and execute the orders of their respective houses, maintain order among the spectators, and prevent the interruption of business. They may arrest, with or without a warrant, any person guilty of any breach of the peace or crime in or about the State House and its grounds.

The door-keeper of the House announces the secretary of the Senate and the private secretary of the governor when they wish to deliver communications and messages; he also



THE SENATE CHAMBER.

announces the Senate when that body is to convene with the House in joint session.

Enrolling and Engrossing Clerk. — This officer properly engrosses all bills and resolutions when ordered to do so by the House. When a bill originates in the House and is passed by both the House and the Senate, he enrolls it before it is laid before the governor for his approval.

Postmasters.—The postmasters receive the mail for the members of their respective houses from the government post-office and distribute it into the boxes of the members at the post-office of the General Assembly.

Other Officers.—Sometimes the House has a reading clerk, and the Senate a bill clerk, whose duties may be inferred from their titles. The President and Speaker have each a private secretary.

Employes.—Besides the officers, there are several *employes.* There are about twenty clerks of committees; also a number of policemen and pages. The pages are boys who wait upon the members, and carry messages for the Speaker and President. Sometimes girls are employed as pages. Each house may employ a chaplain and fix his pay.

Organization of House.—The secretary of State calls the House of Representatives to order at the opening of each new General Assembly, and presides until a temporary Speaker has been chosen, and has taken his seat.

Since none of the representatives hold over from the last session, no one of the members present is authorized to call the House to order.

Immediately after the House is called to order by the secretary of State, prayer is offered, and the roll of the House is called. The House then proceeds to elect a temporary Speaker and other temporary officers.

After the members have taken the oath of office, they decide what officers and employes the House shall have, and

proceed to elect the former. The employes are nearly all appointed by the Speaker after his election.

Expulsion of Members. — No member can be expelled from either house except by a vote of two-thirds of all the members elected to that house, and no member can be twice expelled for the same offense.

Members are expelled only for the most serious offences.

How many votes are necessary to expel a senator? A representative?

If a member should be expelled, and his constituents should return him, he could not be expelled a second time for the same offence

Contempt.— Each house may punish by imprisonment any person, not a member, for disrespect to the house, or for disorderly or contemptuous behavior in its presence. But no person can be imprisoned more than twenty-four hours at one time, except for persisting in his objectionable conduct. This power is sometimes, though seldom, used.

Open Doors.—The doors of each house, and of committees of the whole, must be kept open except in cases when, in the opinion of that house, secrecy is required.

Can you think of a case that would require secrecy in either house?

Committee of the Whole.—Sometimes, instead of referring the matter to a committee, the whole house forms itself into a "committee of the whole," and takes up the matter as a committee. When through with the subject, it reports to the house.

When a legislative body goes into a committee of the whole, the regular chairman takes his place among the members, and some one else is appointed chairman of the committee. When the committee rises to report, the regular chairman takes his place again, and receives the report of the committee through its chairman.

Adjournment.—Neither house can, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses are sitting.

It sometimes happens that one house is largely of one party, and the other house of another. In such cases either house could delay and defeat the measures of the other by adjournments, were these not restricted.

Journals.—Each house keeps a journal of its proceedings, which is published for distribution. Did you ever see a copy of the journal of either house? Get one and examine it. The secretary of State will send these journals by express, but may not pay the express charges. Your county clerk may be able to supply you with a copy.

Yeas and Nays.—In the Senate, at the request of two members, and in the House at the request of five members, the yeas and nays are taken on any question, and are entered upon the journal.

When the yeas and nays are called for, the clerk calls the roll of the house, and every member votes yea or nay on the question, and his vote is recorded and published with the journal. What are the advantages of this?

Protest of Members.—If any two members of either house wish to protest against or dissent from any action or vote they think injurious to the public or to any person, they are at liberty to do so in respectful language, and have their reasons entered upon the journal.

Style of Bills.—All laws of this State begin as follows: *Be it enacted by the people of the State of Illinois, represented in the General Assembly.* This is called the "enacting clause." Without this a law would be void.

Where Bills May Originate.—Bills may originate in either house, but may be changed or rejected by the other.

Final Passage of Bills.—On the final passage of all bills the votes are taken by yeas and nays, and entered upon the journal.

Bills Voted upon Separately.—The final vote is taken upon each bill separately.

Vote Necessary.—No bill becomes a law unless it receives the vote of a majority of all the members elected to each house. How many votes must a bill receive in the Senate? In the House?

Three Readings Necessary.—Every bill must be read at large on three different days in each house.

Bills Must be Printed.—Every bill and all its amendments must be printed before the last vote is taken upon it.

The printed bills are distributed among the members, a copy of each bill being placed in the post-office box of every member. No member can explain away or excuse his vote by saying he did not know exactly what the bill was about.

Signatures Necessary.—After it has passed both houses a bill must be signed by the President of the Senate and by the Speaker, before it is presented to the governor.

Only one Subject.—No act can embrace more than one subject, and that must be expressed in its title. If any bill embrace a subject which is not expressed in its title, the part relating to this subject is void, but the remainder of the bill remains in force.

When there was no limitation to the number of subjects that might be included in any bill, it was a common practice to put several subjects into one bill, and then force members to vote for the objectionable parts in order to secure the passage of the rest of the bill.

Every bill has a title, thus: *"An act to establish and maintain a system of free schools." "An act to revive the law in relation to township organization."*

Laws Revived or Amended.—No law can be revived or amended by reference to its title only; the act revived or amended must be given in full in the new act.

It is easy to see that all these conditions tend to prevent careless and evil legislation.

What is it to repeal a law? To revive a law? To amend a law?

When Laws Take Effect.—An act of the General Assembly takes effect upon the first day of July next after its passage, unless in case of emergency. In such a case the act must receive a two-thirds vote of all the members elected to each house, and must have the *emergency* stated in some part of the act. The "emergency clause," as it is called, is usually at the end of the act, and reads as follows: "Whereas an emergency exists (sometimes the emergency is stated), this act shall take effect and be in force from and after its passage.

As a rule, laws should not take effect for some time after their passage, in order that the people may learn of them, and adjust themselves and their affairs to the new conditions.

The Governor's Veto.—When a bill is passed by both houses, it is sent to the governor for his signature. If he wishes the bill to become a law, he signs it, and so makes it a law. But if he does not wish it to become a law, he does not sign it, but sends it back to the house in which it first started. He sends with it his objections, which are written in the journal of this house, and the bill is again taken up. This time, in order to pass, it must receive the vote of two-thirds of the members elected, and, if it receives this vote in the house to which it is returned, it is sent, together with the objections of the governor, to the other house. A vote of two-thirds of the members elected to this house makes it a law without the signature of the governor.

In all such cases the vote of each house must be by yeas and nays, and be entered upon the journal.

If the governor does not return a bill within ten days (Sundays not counted) after it is sent to him, it becomes a law just as if he had signed it, unless the legislature adjourns before the ten days are up, and so prevents its return. In this case, if the governor does not want the bill to become a law, he can prevent it by sending his objections to the office of the secretary of State within ten days after the legislature adjourns.

When the governor neither signs a bill nor returns it with his objections within ten days, it is called a "pocket veto."

Try to give a reason for each provision regarding the governor's veto. This will help you to understand the matter.

In the case of the veto power, the governor, who is an executive officer, has something to do with the law-making power. His veto power is intended to act as a check upon the legislature.

The word *veto* means "I forbid." The message containing the governor's objection to a bill is called a "veto message."

Special Laws Prohibited.—The General Assembly cannot pass a special law, or a law relating to some particular case when a general law will apply.

Under the first two constitutions of Illinois, special laws were allowed except in two or three cases, and at some sessions they formed the bulk of the laws enacted. The session laws of 1857 contain 302 pages of public laws, and 1,450 pages of private laws. It must be kept in mind that laws upon these subjects are not prohibited; but that the laws must be general.

Why should special legislation be prohibited in each of the following cases?

Changing County Seats.—The General Assembly cannot locate or change county seats by special laws.

Since the county seat is the place where the business of the county is transacted, the people of the respective counties locate and change their county seats.

The question is voted upon after due notice has been given. A special election is held when the question of a change of county seat is voted upon. Why hold an election for this purpose only?

Special Charters Prohibited.—The legislature cannot now give special charters to cities and villages; neither can it amend or change any charter already given.

Since 1870 all cities and villages have been incorporated under a general law; but before that time most cities were incorporated by special laws known as the "charters" of the respective cities. If the people of a city are dissatisfied with their charter they cannot have it amended, but may vote to give it up and then organize under the general law.

Rate of Interest.—No special law can be passed regulating the rate of interest on money. No person or corporation can charge a higher rate of interest than that authorized by the general law. What is now the highest authorized rate?

Fees of Officers.—The General Assembly cannot create or change the fees of any public officer during the term for which he is elected.

Special Privileges and Immunities.—No special or exclusive privilege or immunity can be granted to any person or corporation.

A *privilege* implies the liberty to do something; an *immunity* implies exemption from some duty, tax, or obligation.

Release of Indebtedness.—The General Assembly has no power to release any person or corporation from indebted-

ness to the State or to any municipal corporation within the State.

Special laws are prohibited in several other cases, as may be found by referring to the State constitution. The above cases have been chosen because they relate more especially to the other subjects of our study.

Public Moneys and Appropriations.—The General Assembly can make no appropriation of money out of the treasury in a private law.

Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the State government, must not contain provisions on any other subject. Were it not for this provision, members in order to vote for the pay of themselves and others, might be obliged to vote for some objectionable provision. Such a provision in an appropriation bill is called a "rider."

No money can be drawn from the treasury unless it has been appropriated for the purpose for which it is drawn.

The treasurer is forbidden to pay out any money except on an order issued by the State auditor. This order is called the "auditor's warrant."

When money has been appropriated for any given purpose, or belongs to any particular fund, it cannot be drawn or used for any other purpose.

Within sixty days after the adjournment of each session of the General Assembly, the auditor must publish an itemized statement of all money expended at that session.

Each General Assembly provides for the appropriations necessary for all the expenses of State government for the next two years, or until the end of the first fiscal quarter after the adjournment of the next regular session. The aggregate amount appropriated cannot be increased except by a vote of two-thirds of the members elected to each

house, and in no case can it exceed the amount of revenue authorized by law to be raised within the two years.

All appropriations, general or special, end with the first fiscal quarter after the adjournment of the next regular session. The fiscal year ends September 30.

State Indebtedness Limited.—The State, in order to meet accidental deficits or failures in revenue, may contract debts which can never exceed in the aggregate $250,000. All moneys thus borrowed must be applied to the purpose for which they were obtained, and to no other purpose.

No other debts, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war, can be contracted unless by a vote of the people.

Illinois is now virtually out of debt.

Extra Pay Prohibited.—The General Assembly cannot grant extra pay or allowance to any officer, agent, servant or contractor, after service has been rendered, or contract made.

However, appropriations may be made for expenses incurred in repelling invasion, or suppressing insurrection.

Loan of Credit Prohibited.—The State can never pay or become responsible for the debts of any person or corporation, nor can it in any manner give or loan its credit to any such person or corporation.

Officers Liable to Impeachment.—The governor and all civil officers of the State are liable to impeachment for any misdemeanor in office.

It is easy to see that an officer may commit an offence for which he is responsible to the State as its servant, and to the civil authorities as a citizen.

Thus, habitual drunkenness on the part of an officer would unfit him for the duties of his office, and make him subject to impeachment and removal from office. He might also be fined for drunkenness.

Power of Impeachment.—The House has the sole power of impeachment. Its action in such cases is similar to that of a grand jury in a criminal case, and the charges which it prefers are similar to an indictment.

The House hears the evidence against an officer, and, if a majority of all its members so vote, the officer is impeached.

Trial of Impeachment.—All cases of impeachment are tried by the Senate.

When an officer has been impeached by the House, the Senate hears the evidence for and against him, and if two-thirds of the senators elected so vote, he is convicted of the charge or charges against him.

When trying cases of impeachment, the senators are under oath, or affirmation, to do justice according to law and evidence. The Senate in this case acts as a jury.

Punishment.—The punishment in cases of impeachment can only extend as far as removal from office and disqualification to hold any office of trust or profit in the State.

After impeachment and conviction as an officer, a man is still liable to trial and conviction in the courts as a citizen.

Trial of Governor.—When the governor is tried, the chief justice of the State presides instead of the lieutenant-governor. This is the case because, if the governor should be convicted and removed from office, the lieutenant-governor would become governor; he would thus be interested in the result of the trial.

State Contracts.—All fuel, stationery and printing paper furnished for the use of the State, and all printing and binding ordered by the General Assembly must be let by contract to the lowest responsible bidder.

No member of the General Assembly, or other State officer, can be interested directly or indirectly in any contract.

All contracts must be approved by the governor.

The contracts are large, and there is a popular notion that men make a great deal of money out of them.

State Cannot be Sued.—The State of Illinois can never be made defendant in any court of law or equity.

This provision of our constitution has a history.

When the United States constitution was submitted for the ratification of the thirteen States, it contained a detailed statement of the power of the national courts. Among other things this power was to extend to controversies between a State and citizens of another State. During Washington's first term as President, a citizen of South Carolina sued the State of Georgia, and the supreme court of the United States decided that the case was within its jurisdiction by the terms of the constitution.

The several States, seeing that they were liable to numberless suits, caused, through their representatives, the proposal of an amendment to the constitution declaring that "the judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against any one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

This amendment was ratified by the States, and is known as the "eleventh" amendment.

Lotteries Prohibited. — The General Assembly has no power to authorize lotteries or gift enterprises for any purpose, and must pass law prohibiting the sale of lottery or gift enterprise tickets in the State.

Some States have not only allowed lotteries, but have conducted them as a means of paying off their indebtedness.

Term of Office.—No law can be passed which shall in any way extend the term of any public officer after his election or appointment.

A few years ago a change in the time of electing county superintendents was made which brought the regular elections at one time five years apart. The superintendents who were elected for four years did not hold over the fifth year, but superintendents were appointed by the county boards for that year.

Protection of Miners. — The General Assembly must pass laws for the protection of miners by requiring the construction of escapement shafts, appliances for ventilation, and other means of safety.

Drainage.—The General Assembly may, and has passed laws permitting the owners or occupants of land to construct drains across the lands of others, provided the drains are for agricultural or sanitary purposes.

In 1878, an amendment to the State constitution was adopted, authorizing the General Assembly to pass laws providing for the organization of drainage districts. Such laws have been passed.

The corporate authorities of drainage districts have power to construct and maintain levees, drains and ditches by special assessments upon the property benefited. What is a levee?

Homestead and Exemption Laws.—Liberal homestead and exemption laws must be passed.

A certain amount of real estate and personal property is exempt from seizure for the payment of ordinary debts. The word "homestead" relates to real estate.

The New State House.—The constitution of 1870 provided that not more than $3,500,000 can be expended upon the new State House, unless a majority of the votes cast at a general election, at which the question is submitted, shall be for the additional expenditure. The additional expenditure asked for by the General Assembly was voted upon three times. It was carried in 1884.

EXECUTIVE DEPARTMENT.

Officers.—The executive department of the State consists of a governor, lieutenant-governor, secretary of the State, auditor of public accounts, treasurer, superintendent of public instruction, and attorney-general.

Term of Office.—These officers, with the exception of the treasurer, hold their offices four years. The treasurer's term is two years, and he cannot hold the office two terms in succession. Can you give a reason for this?

Residence.—All of the executive officers, excepting the lieutenant-governor, must reside at the State capital during their term of office.

Why is the lieutenant-governor excepted?

Election.—An election is held for governor, lieutenant-governor, secretary of State, auditor, treasurer, and attorney-general on the Tuesday next after the first Monday in November of every year in which there is an election for President of the United States. There is an election for treasurer and superintendent of public instruction on the Tuesday next after the first Monday in November in the "off years in politics"—that is, half way between the Presidential elections.

This arrangement takes the election of superintendent of public instruction out of politics as much as possible without having a general election for the State superintendent only.

A general election is one at which any State officer is elected.

Returns of Election.—The election returns for State officers are sealed and sent by the several county clerks to the secretary of State, directed to "The Speaker of the House of Representatives."

Immediately after the organization of the House, and before any other business is transacted, the Speaker opens

the returns, and announces the result to the two houses who meet together in the hall of the House of Representatives for that purpose.

The person having the highest number of votes for any office is declared elected. If two or more persons have an equal and the highest number of votes for any office, the General Assembly, by joint ballot, chooses one of them for the office.

Eligibility.—No person is eligible to the office of governor or lieutenant-governor who is not thirty years of age, and who has not been for five years next preceding his election a citizen of the United States and of Illinois.

All the state executive officers, except the treasurer, are declared by the constitution to be ineligible to any other office during the time for which they are elected.

Vacancies.—In case of vacancy by death, resignation or otherwise, of any executive officer, except governor or lieutenant-governor, the governor fills the vacancy by appointment, and the person appointed holds the office during the remainder of the term.

Accounts.—All officers of the executive department and of all public institutions of the state must keep accounts of all moneys received and paid out by them, and under oath must make a semi-annual report of these accounts to the governor.

Reports.—At least ten days before each regular session of the General Assembly, the officers of the executive department and of all State institutions must report to the governor. The governor transmits these reports, and those of the judges of the supreme court concerning defects in the constitution or the laws, to the General Assembly.

The governor may require written information, under oath, from any of these officers concerning the affairs of his office.

Oath.—The executive, and all other civil officers swear (or affirm) that they will support the constitution of the United States and of Illinois; and that they will faithfully discharge the duties of their respective offices to the best of their ability. No other oath can be required of any civil officer.

GOVERNOR.

Executive Power.—The governor has supreme executive power, and must see that the laws are executed.

Message.—At the beginning of each session of the General Assembly, the governor sends it a message giving the condition of the State; recommending such measures as he deems best; containing a statement of the money received and paid out by him according to law, and presenting estimates of the amount of money that should be raised by taxation for all State purposes.

His message is accompanied by the reports of the other executive officers.

General Assembly.—Whenever the public good may require it, the governor may call the General Assembly together in an extra session. The proclamation calling the extra session must state the purpose for which it is called, and no business can be transacted except that given in the proclamation.

If the two houses fail to agree upon the time for adjournment, and the house which first moves the adjournment certifies such failure to the governor, he may adjourn them to such time as he may think proper, but not beyond the first day of the next regular session.

Appointment of Officers.—The governor, by and with the advice and consent of the Senate, appoints certain State officers.

In case of a vacancy in any State office that is not elective, the governor makes a temporary appointment until the next meeting of the Senate.

A person who has been rejected by the Senate cannot be renominated by the governor for the same office at the same session, unless at the request of the Senate; nor can he be appointed to the same office during a recess of the Senate.

Were it not for these restrictions, the governor might keep on nominating the same man for the same office till the adjournment of the Senate and then appoint him to fill the office temporarily until the next meeting of the Senate.

Removal of Officers. — Any officer appointed by the governor may be removed by him for incompetency, neglect of duty, or illegal conduct; and the governor may appoint some one else to fill the vacancy.

Reprieves, Commutations and Pardons.—The governor has power to grant reprieves, commutations, and pardons to persons convicted of crimes.

A reprieve is a temporary suspension of the execution of a penalty.

A commutation is a change from one punishment to another less severe, as from death to imprisonment for life.

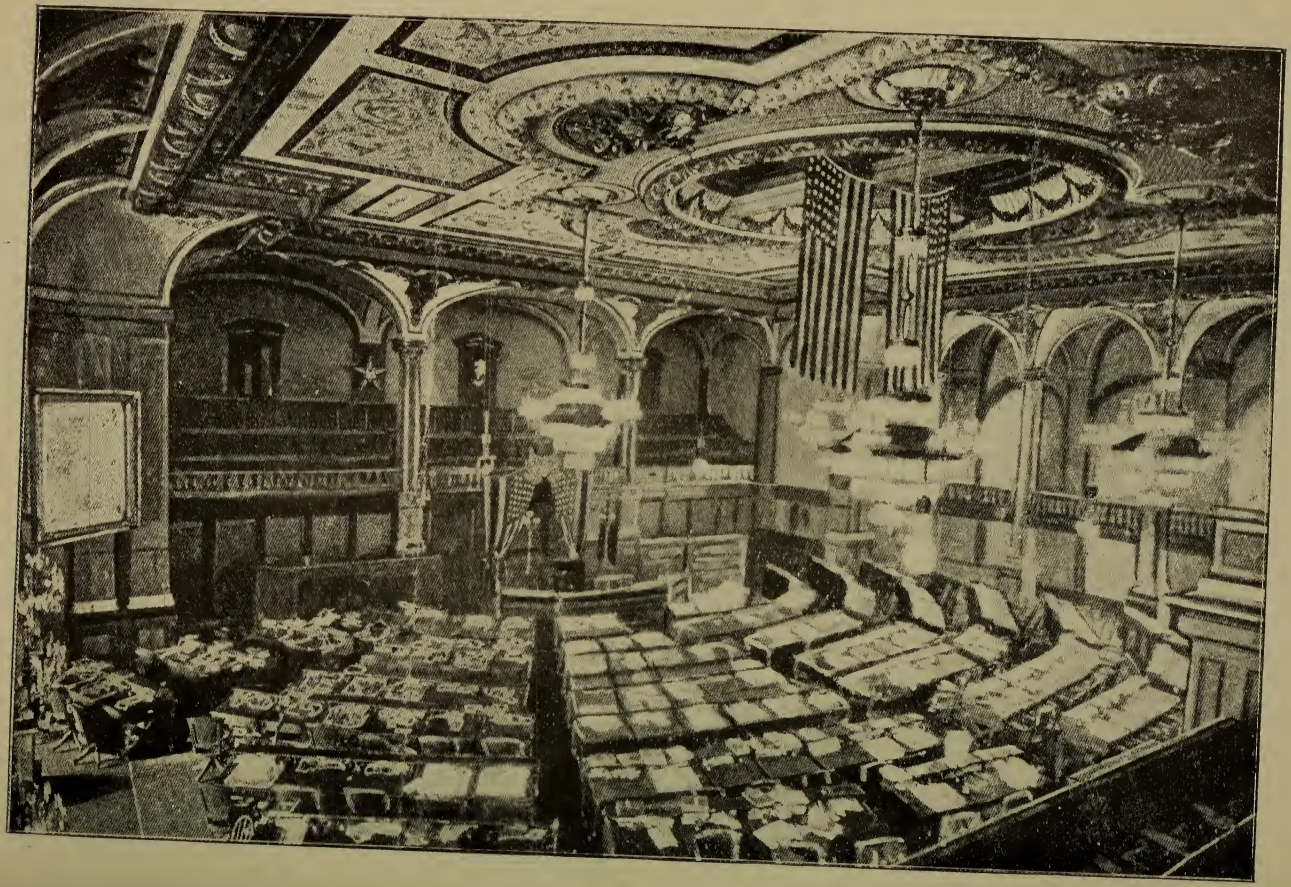
A pardon is a complete removal of penalty, and restoration to citizenship.

Commander-in-Chief of the Militia.—The governor is commander-in-chief of the militia of the State when they are not in the service of the United States.

The governor has at all times the appointment of certain officers of the militia.

Veto.—The governor's veto has been discussed in another place. Be sure to review it in this connection.

Salary.—The governor receives a salary of $6,000 a year and has the use of the executive mansion.



THE ASSEMELY CHAMBER.

LIEUTENANT-GOVERNOR.

Successor to Governor.—In case of the death, resignation, or disability of the governor, the lieutenant-governor becomes governor. In case of his disability also, the president *pro tempore* of the Senate, and in case of *his* disability the duties of governor devolve upon the Speaker of the House for the remainder of the term.

President of the Senate. — The lieutenant-governor is President of the Senate, but has no vote except in case of a tie.

Salary.—The lieutenant-governor's salary is $1,000 a year.

SECRETARY OF STATE.

Keeper of Public Acts. — The secretary of State must keep in his office, properly filed and indexed, all public acts, laws and resolutions of the General Assembly.

When the legislature is not in session, he keeps all books and papers belonging to each house.

Calls House to Order.—The secretary of State calls the House of Representatives to order, and presides until a temporary Speaker is elected.

Register.—He must keep a register of all the official acts of the governor, and of all commissions issued by him. What is a commission? Every justice of the peace or notary public has a commission from the governor.

Seal of State.—The secretary of State is the keeper of the "Great Seal of the State of Illinois," and must affix this seal to all commissions and documents countersigned by himself.

What is a seal? Every notary public in Illinois has one, and a little effort will enable you to see one of these.

Custodian of Property.—He is custodian of all public buildings and grounds in the city of Springfield.

Laws and Journals. — He must supervise the distribution of the session laws and the journals of the General Assembly.

Report.—He must report the affairs of his office biennially to the governor.

Certificate.—He must certify to the correctness of the law and journals when they are published.

Charters.—The secretary of State issues charters to corporations.

There are corporations for the purpose of government, as cities and villages; for business purposes, as railroad, insurance and manufacturing companies; for improvement of members, but not for money-making, as in case of societies and associations; for religious purposes, as church organizations of various kinds.

Weights and Measures.—The secretary of State is the keeper of the public standards of weights and measures.

Registry Blanks.—He must furnish registration blanks to judges of election prior to every general election.

He has other duties of minor importance.

Bond.—The secretary of State must give a bond for $100,000.

Salary.—His salary is $3,500 a year.

AUDITOR.

Accounts.—The auditor is the book-keeper of the State. He keeps accounts with all public officers, corporations, and individuals doing business with the State.

Whenever a claim or bill is presented for payment of money out of the State treasury, he examines, or audits it, to see if it is legal.

Warrants.—If the auditor finds a claim to be legal and just, he signs an order on the treasurer for the proper

amount. Such orders are called "auditor's warrants." He keeps a record of all warrants signed by him.

The auditor is the "watch-dog of the treasury."

Rate of Taxation.—The auditor assists the governor in computing the rate per cent. of taxation necessary to raise sufficient revenue for State purposes.

The legislature fixes the amount to be raised by taxation.

Report.—The auditor reports biennially to the governor.

Bond.—He gives a bond for $50,000.

Salary.—His salary is $3,500 a year.

TREASURER.

Public Funds.—The treasurer must receive and safely keep all moneys which are authorized by law to be paid to him.

The treasurer is not allowed to receive and receipt any money whatever unless he has an order from the auditor directing him to receive it. Neither can he pay out money except upon the auditor's warrant. When he pays an order, he must cancel it with some instrument that will cut or perforate the paper.

Give a good reason for each of these provisions.

Monthly Settlements.—The treasurer must settle with the auditor at the close of each month, stating the amounts received and paid out, and on what accounts. He must also return all warrants canceled by him, and obtain the auditor's receipt for them.

Report.—The treasurer makes a biennial report to the governor.

Bond.—The treasurer's bond is for $500,000.

Salary.—His salary is $3,500 a year.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

The duties of this office are given in the chapter on schools. They may be learned in this connection if desired.

ATTORNEY-GENERAL.

State and State Officers.—The attorney-general represents the people and the State in all suits in which they are interested before the supreme court. He also acts as attorney for State officers, when suits are brought against them as officers.

Advisory Duties.—The attorney-general consults with and advises State's attorneys concerning their duties.

He advises the governor and other State officers, and, when requested, gives written opinions upon all legal and constitutional questions relating to the duties of these officers. He also gives such written opinions at the request of either house of the General Assembly, or of any legislative committee.

Funds.—The attorney-general sees that the funds appropriated to the several State institutions are properly used.

Records.—He keeps a record of his official acts, and of the opinions given by him while in office, and gives these records to his successor in office.

Bond.—A bond for $10,000 must be given by the attorney-general.

Salary.—His salary is $3,500 a year.

Name the executive officers of the State. When was each elected?

JUDICIAL DEPARTMENT.

SUPREME COURT.

Grand Divisions.—For the convenience of the people, the State is divided into three grand divisions, and one term of the supreme court is held each year in each division.

The term of court for the northern grand division is held at Ottawa, for the grand central division at Springfield, and for the southern grand division at Mt. Vernon.

Judges.—There are seven judges of the supreme court; they choose one of their number chief-justice.

Four judges must agree to every decision.

Term.—The judges of the supreme court are elected for nine years.

Election Districts. — The State is divided into seven districts for the purpose of electing the judges of the supreme court. Each district elects one judge.

Clerk.—A clerk of the supreme court is elected in each grand division. His term of office is six years.

Original Jurisdiction. — The supreme court has original jurisdiction in cases relating to the revenues of the State, and in *mandamus* and *habeas corpus*. By this is meant that suits relating to these matters may be begun in the supreme court.

A case of *mandamus* is brought for the purpose of compelling a public officer or corporation to perform certain duties.

A case of *habeas corpus* has for its object the prevention of false or unjust imprisonment. By it the prisoner is brought into court, and the cause of his imprisonment is investigated.

Appellate Jurisdiction. — The supreme court has appellate jurisdiction in all criminal cases, and in all civil cases in which the amount in dispute is one thousand dollars or more.

By appellate jurisdiction is meant that appeals may be taken to the supreme court in such cases after they have been tried in a lower court.

A criminal case is a suit brought for the purpose of punishing some person for violating a public law.

A civil case is a suit brought by a person, company, or corporation, called the plaintiff, against another person, company, or corporation, called the defendant, for the purpose of

compelling the defendant to pay the plaintiff a sum of money, or to give up to him certain property. Suits for money may be for debts due the plaintiff, or for damages on account of injury done him by the defendant.

Decisions Final.—The decisions of the supreme court are final except in cases involving a State law which conflicts with a United States law. Such cases may be carried to the United States supreme court.

Salaries of Supreme Judges. — The judges of the supreme court receive $5,000 a year.

The clerks receive fees which are prescribed by law.

APPELLATE COURTS.

Districts.—The State is divided into four appellate court districts.

Judges.—The appellate judges are elected circuit judges, and are appointed appellate judges by the supreme court.

Clerk.—Each district elects a clerk for a term of six years.

Sheriff.—The sheriff of the county in which the appellate court is held attends the sessions of the court or appoints a deputy to do so.

Jurisdiction.—The appellate courts have appellate jurisdiction only. Their jurisdiction extends to all cases of appeal from circuit courts, city courts, or the superior court of Cook county, except in criminal cases, and in cases involving a franchise, a freehold, or the validity of a law. These cases must be appealed directly to the supreme court.

A franchise is a special privilege given by the State to an individual or corporation.

The term *freehold* applies to real estate titles.

Decision.—The decision of the appellate court is final in all cases in which the amount in dispute is less than one

thousand dollars. When the amount is one thousand dollars or more, the case may be taken to the supreme court.

Salaries.—Appellate judges receive the same pay as circuit judges—$7,000 a year in Cook county, and $3,500 elsewhere. The clerks receive fees.

CIRCUIT COURTS.

Circuits.—With the exception of Cook county, all of the counties of the State are arranged by the legislature into seventeen divisions called circuits. Cook county alone constitutes a circuit.

Judges.—Three judges are elected in each circuit every six years. Usually two of these hold circuit courts, and the third acts as one of the judges of the appellate courts. Cook county now elects fourteen circuit judges.

The circuit court is so called because its judges go from county to county for the purpose of holding court.

Circuit Clerk.—Each county elects a circuit clerk for a term of four years. He attends the sessions of the circuit court in his county, and keeps a record of the proceedings of the court.

He keeps account of the costs of all suits in the circuit court in his county. These costs are made up of the fees of the sheriff, clerk, witnesses, jury, and others, and are usually paid by the person against whom the suit is decided.

The circuit clerk also issues the summonses, subpoenas, executions, and other processes of the court.

In counties of less than 60,000 inhabitants, the circuit clerk also acts as recorder of deeds for his county.

Master-in-Chancery.—In each county there is a master-in-chancery who is appointed by the judges of the circuit for two years. To him are referred many matters for investigation. He reports the results of his investigation to the

court. Chief among his other duties is the sale of real estate in cases of foreclosure of mortgages.

Jurisdiction. — The circuit courts have original jurisdiction in all criminal cases, and in civil cases between citizens of the State; and appellate jurisdiction in all cases tried before the county and probate courts and justices of the peace.

Courts of Cook County. — Besides the circuit court, there are in Cook county two courts not held in other counties. The superior court of Cook county was formerly known as the superior court of Chicago; the criminal court of Cook county was formerly known as the recorder's court of the City of Chicago.

Salary.—The circuit judges receive $3,500 a year, except those in Cook county; these receive $7,000 a year.

Grand Jury. — The grand jury of every county assists the circuit court in bringing offenders to trial.

A grand jury consists of twenty-three men who are selected by the county board. This jury meets at the place of holding the circuit court, and investigates all criminal charges brought to its notice against persons for crimes committed within the county. It hears evidence against accused persons, but not for them. If it has just cause to believe a person guilty of a crime, it furnishes the court with a paper in which the person is named, and his crime described, and advises that he be brought to trial.

Such a paper is called an "indictment," and the person is said to be "indicted" by the grand jury.

In every case of indictment, sixteen grand jurors must be present, and twelve must agree to the indictment.

An indictment is often called "a true bill." This comes from the fact that the paper is prepared by the State's attorney, and is indorsed by the jury "A true bill," if the accused is found guilty.

A copy of the indictment giving a list of witnesses against the accused, is furnished the accused or his attorney.

The meetings of the grand jury are not open to the public.

Petit Jury. — Almost all cases in the circuit court are tried by a petit jury consisting of twelve men.

This jury sits in open court and hears the evidence against and in behalf of the defendant, together with the arguments of the lawyers on both sides. The judge then instructs the jury as to the law concerning the case, and the manner in which it should weigh the evidence for and against the defendant.

The jury then retires to the jury room, being all the while in charge of an officer, and agrees upon a verdict, if possible. A verdict cannot be rendered unless all the jurors agree to it. This applies as well to civil as to criminal cases.

In trials before justices of the peace, juries are not instructed by the court.

Cases before the supreme and appellate courts are not tried by jury.

When a case is appealed to one of these courts, a complete transcript in writing of the record of the proceedings of the court below is filed by the party who appeals. This record is examined and reviewed by the upper court, and, if no errors appear, the judgment or decree of the court below is affirmed. If any substantial error appears, the judgment or decree is reversed and, usually, the case is remanded to the lower court for a new trial.

CHAPTER III.

THE DIVISIONS OF THE STATE.

DESCRIPTIONS OF THE DIVISIONS.

Counties.—Counties are divisions of the State made in order to bring matters of government nearer to the people.

Counties are formed by the legislature of the State, usually upon petition of the people directly concerned. They are named in the acts which create them.

The county does not bear exactly the same relation to the State that the latter does to the Nation. The State is sovereign in many particulars, while the county has no sovereign power whatever. It has no constitution, and all its powers are given to it by the State legislature.

There are one hundred and two counties in Illinois.

Townships.—In this State we have *two correct* uses of the word *township*. These uses should be carefully learned, so as to be distinguished clearly from each other, and from the uses of the word *town*.

Congressional Township.—*The Congressional Township is the unit of the United States Survey System, and is simply a tract of land six miles square.* It is a division rather of the United States than of the State, and is common to all States and Territories surveyed by this system. It is not a *political* division of the county, State, or United States, and consequently has no officers. It has a single purpose—to assist in the description of real estate, and is always designated by number—is never named.

School Township.—The School Township is a political division of the county with reference to *school affairs only,* and in boundary is coincident with the congressional township of like number and description.

Section twenty-three of the school law provides that every congressional township shall be considered a township for school purposes.

The school township has four officers only, three trustees of schools, and a township treasurer. The latter is often called the school treasurer.

It has a single purpose, to assist in certain school affairs, and is always designated by number, never by name, being numbered exactly like the congressional township with which it coincides. There need be no confusion on this account, as the two townships are never spoken of in the same connection.

Towns.—The word *town* has so many different meanings that it is somewhat difficult to apply it correctly at all times. Its use as a general term for villages and cities is correct in ordinary conversation, as where we speak of "going to town," or "going out of town." But in the study of civil government we must discard this use of the word, and speak only of its two uses in connection with civil affairs.

Organized Towns.—The organized town is a political division of the county with reference to civil affairs only.

The organized town has no connection whatever with the description of real estate, with the school system, or with incorporated government, like that of a city or village.

It has a single purpose, to assist in local government in civil affairs.

In almost all counties in the State, especially those in the central and northern part, every one lives in some town in this sense of the word.

If all organized towns had been formed as was intended by the law, they would be six miles square, except where there are fractional congressional townships.

The organized town is always designated by name—never by number.

Whenever the word *town* is used in this book, the organized town is meant, except when the expression *incorporated town* is used.

Township Organization.—The constitution of 1848 provided that "the General Assembly shall provide, by a general law, for a township organization." Accordingly a law was enacted that all counties which should elect to do so in a prescribed manner might adopt what is known as "township organization."

Counties so electing are divided by three commissioners, appointed by the county board, into towns which shall coincide with the townships of the county. When a township shall have too few inhabitants for a separate organization, it may be added to some adjoining town, or divided between two or more towns for the time being. Fractional townships may be added to some adjoining town. A glance at a complete map of the State will show that few counties, if any, have *all* of their towns coincident with the township. Has your county?

A majority of the towns, however, coincide with the townships. In such cases, the township election (for school trustees) and the town election (annual town meeting) are held on the same day. This fact gives rise to the common error of calling the officers of the *town* "township officers."

Counties are divided into towns in order to bring matters of local government still nearer the people. This and the government of counties not under township organization will be fully explained in a subsequent chapter.

The term "township organization" used in the law is evidently a misnomer; it should be "town organization," since so many towns are not organized townships, not being coincident with the latter.

Incorporated Towns. — It is to be regretted that prior to the enactment of the law authorizing the organization of towns for local government, a law was enacted which provides for the incorporation of towns, divided into blocks and lots, having streets and alleys, and governments similar to that of villages. In fact, the word *town* is used in the same sense as the word *village*. A few such towns have been incorporated, but almost all such incorporations are termed villages.

Unless there is such a town near you, it will be better for you to dismiss this use of the word from your mind, and to think only of the organized town.

School Districts. — School districts are divisions of the school township, and have reference to school affairs only.

County Organization. — Counties not under township organization are said to be under county organization.

There are nineteen such counties in Illinois. In some of these the proposition to organize was voted on at the general election in 1898. The proposition has been defeated one or more times in nearly all of them.

The chief argument in favor of township organization is that it brings the government nearer the people. One feature of this is that it makes several town offices to be filled by residents of the town. Many men, doubtless, work and vote for township organization hoping to obtain an office.

The leading argument against township organization is that it increases the cost of government very materially. Taxes are necessarily higher in counties under township organization. Of course it may be claimed that the govern-

ment is enough better to overcome the disadvantage of increase in cost.

Cities and Villages. — The government of cities and villages is described in another chapter. They are commonly spoken of as *towns;* but in the study of civil government of Illinois you must discriminate sharply between cities and villages and towns, except in the few cases where there are incorporated towns.

Cities and villages have certain corporate privileges which towns have not. They are organized in a wholly different manner, and for a different purpose.

In many cases the name of a town is the same as that of a city or village within its limits. This fact often gives rise to confusion in common speech.

In what congressional township do you live? in what school township? town? city or village?

Other Divisions. — There are certain other divisions of the State with reference to its legislative and judicial affairs which need not be described here.

CHAPTER IV.

COUNTY GOVERNMENT.

LEGISLATIVE DEPARTMENT.

Board of Supervisors. — The laws made by the General Assembly apply to all counties alike, and only such laws are made by it as are general in their nature. Every county has measures for its own government which apply only to itself. These measures must not conflict with any general law of the State.

In counties under township organization, the legislative acts are performed by the board of supervisors. The members of this board are elected by the several towns in the county, and perform duties as town officers aside from their duties as members of the "county board," as the board of supervisors is called.

In counties not under township organization the board of county commissioners is also called the county board.

Meetings.—The board of supervisors holds its annual meeting on the second Tuesday of September. It also holds a regular meeting on the second Monday in June in each year. Special meetings may be held at the request of at least one-third of the members of the board.

County Seat.—The county board meets at the county seat, and, if possible, in the court house.

The county seat is the city or village in which the business of the county is transacted.

The courthouse, and usually all county offices, are at the county seat.

Organization.—The county board organizes at the first meeting of the year by choosing one of its number chairman. The chairman presides over all the meetings when present, and appoints the various committees. The business of the board is largely done through its committees. The county clerk is clerk of the board of supervisors.

Open Doors.—The board must hold its meetings with open doors. Why?

Proceedings Published.—A brief account of the proceedings of every meeting must be published in a county paper, if this can be done without unreasonable expense.

New Towns.—The board may change the boundaries of towns, create new towns, and give names to them. No two towns in the State shall have the same name. The State auditor keeps an alphabetical list of all the towns, and must be consulted in case a new name is to be given.

Have you a clear notion of what is meant by the word *town*, as here used?

Care of Property.—The county board has the care of all property belonging to the county.

The board also has the management of nearly all the funds belonging to the county.

Auditing Bills.—The county board must settle all just claims against the county, and audit all accounts concerning the receipts and expenditures of the county.

Levy of County Tax.—The county board may levy a tax not to exceed seventy-five cents on the one hundred dollars' valuation for county purposes.

If the county was in debt at the time of the adoption of the present constitution, a tax not to exceed one dollar on the one hundred dollars' valuation may be levied to pay the principal and interest for such indebtedness. Any additional levy must be submitted to a vote of the people.

County Buildings. — The county board must erect a courthouse, jail, and other necessary public buildings.

Furnished offices must be provided for the county officers. Some of these offices are to be fire-proof, or furnished with fire-proof safes, whenever the finances of the county will permit.

Books and Stationery.—The board must furnish suitable books and stationery for the use of the county board and the several county officers.

Annual Financial Statement.—The county board must prepare and publish an itemized statement of the receipts and expenditures of the preceding year, together with the actual condition of affairs at the end of the year.

Prosecute and Defend Suits. — Suitable measures for the prosecution and defense of suits brought by or against the county must be taken by the county board.

Pay of County Officers.—The pay of the officers, except the county superintendent of schools, is fixed by the county board, and cannot be changed during the term for which the officers are elected.

Why not?

Treasurer's Accounts. — It is the duty of the county board to examine the books of the county treasurer, and to count the money at least as often as once every six months.

Grand and Petit Jurors.—Grand juries are selected by the county boards in their respective counties.

There are to be chosen, as near as may be, a proportionate number of grand jurors from each town in the county.

Each year the board prepares lists of not less than one-tenth of the legal voters of each town, which lists are kept in the office of the county clerk. The county clerk writes each man's name and address upon a separate ticket, and puts all the tickets in a box kept for the purpose. At least

twenty days before a trial court convenes, the clerk of the court, in the presence of the county clerk, draws the names of a sufficient number of petit jurors from the box.

Other Powers and Duties. — The county board may also allow, regulate and condemn toll roads and bridges; grant liquor licenses; establish county normal schools; offer rewards for criminals; and offer rewards for raising timber.

Board of County Commissioners. — In counties not under township organization, the county board consists of the three commissioners elected by the whole county for a term of three years, one commissioner being elected each year.

These counties are divided by the county board into precincts for election purposes, and into districts for road purposes.

The powers and duties of the board of commissioners are almost the same as those of the board of supervisors.

EXECUTIVE DEPARTMENT.

Officers.—The executive department consists of the county clerk, treasurer, recorder, county surveyor, superintendent of schools, and the committees of the county board when carrying out the instructions of the whole board.

All of the officers named execute the State laws which apply to their duties, and also the measures passed by the county board.

The county clerk is an officer of the judicial department of the county when he acts as clerk of the county court.

All of the executive officers of the county are elected for four years.

COUNTY CLERK.

Records.—The county clerk has charge of certain books and papers pertaining to the business of the county.

County Board.—He is clerk of the county board of his county, keeps a record of its proceedings, and keeps on file all accounts passed upon by the board.

Orders.—He must keep a complete record of all orders drawn upon the county treasurer.

Bonds.—The official bonds of certain county and town officers are filed in the office of the county clerk. He must keep an alphabetical list of these bonds, giving names of sureties and other essential facts.

Indexes.—He must keep alphabetical indexes of all records and papers filed in his office.

Copy.—The county clerk must furnish to any person who will pay the proper fee, a copy of any record, paper, or account in his office.

County Court.—The county clerk must attend the sessions of the county court, and keep a complete record of all its proceedings.

Marriage Licenses.—He issues marriage licenses.

Canvassing Votes.—After every general election, the county clerk, and two justices of the peace of his county canvass the votes of the county, and make abstracts showing the number of votes received by each candidate. These abstracts are filed in the county clerk's office.

Taxes.—He computes the amount of tax to be paid by every person subject to taxation in the county, and supplies collectors with books which show the amount each person must pay.

COUNTY TREASURER.

Public Funds.—The county treasurer must receive, safely keep, and pay out according to law, all public money that may properly come into his hands.

Accounts.—He must keep a complete record of the business of his office. The books containing this record are always open to the inspection of the public. Why?

Supervisor of Assessments. — In counties under township organization of less than 125,000 inhabitants, the county treasurer is *ex officio* supervisor of assessments of taxes in his county.

Report.—The treasurer must report to the county board at each of its regular meetings all sums received and paid out by him since his last report. These reports are filed in the county clerk's office, and are subject to the inspection of the public.

Settlements.—Twice each year the county board must make a settlement with the treasurer, and count the funds.

Re-election.—An amendment to the State constitution was adopted in 1880, providing that no person having once been elected to the office of sheriff or treasurer shall be eligible to the same office for four years after the expiration of the term of office for which he was elected.

RECORDER.

Deeds.—The recorder must copy into books provided for the purpose all deeds, mortgages and other papers pertaining to the titles of lands, when the papers are presented to him for that purpose.

The person presenting such a paper must pay a prescribed fee in order to have it copied, or recorded, as it is called.

In case a paper so recorded is lost, the recorder's books will show its contents.

Chattel mortgages, or mortgages upon personal property, may also be recorded.

Records Open to the Public.—All records and indexes are now open to the public, and abstracts may be taken from them without charge.

In counties of less than sixty thousand inhabitants the circuit clerk is *ex officio* (by virtue of his office) recorder of

deeds. In counties of sixty thousand or more inhabitants there is a separate recorder. Only four counties in the State elected separate recorders in 1886.

Let the teacher secure blank forms of such instruments as deeds and mortgages, and explain their use to the class.

COUNTY SURVEYOR.

Duties.—The county surveyor makes surveys within his county when called upon to do so. He keeps a record of surveys made by him. The record is open to the inspection of all persons interested in the surveys.

SUPERINTENDENT OF SCHOOLS.

The duties of county superintendents of schools are given under the subject of schools.

Name the executive officers of your county.

JUDICIAL DEPARTMENT.

Officers.—The officers of the judicial department of the county are county judge, probate judge, county clerk (when acting as clerk of the county court), sheriff, State's attorney, and coroner.

Although elected by the county, and termed a county officer, the circuit clerk is really an officer of the circuit court, and his duties were given in that connection. Review them.

Term.—These officers are all elected for four years.

Salaries.—Their salaries are fixed by the county board.

COUNTY COURT.

Judge.—The county judge is judge of the county court.

Law Jurisdiction.—The county courts have exclusive jurisdiction in suits authorizing the sale of real estate for the collection of taxes.

They have concurrent jurisdiction with the circuit courts in all cases like those in which justices of the peace have jurisdiction, and in which the amount in dispute is not more than one thousand dollars. They also have concurrent jurisdiction with the circuit courts in criminal cases when the punishment is not imprisonment in the penitentiary or death; and in all cases of appeal from justices of the peace and police magistrates.

When two or more courts have concurrent jurisdiction in any matter, suits may be brought in any one of them. In suits for two hundred dollars or less, justices of the peace, county and circuit courts have concurrent jurisdiction.

Probate Jurisdiction.—In counties of less than seventy thousand inhabitants, the county court has original jurisdiction in all matters relating to the settlement of the estates of deceased persons; the appointment of guardians of miners, and conservators of the insane and feeble-minded, and the settlement of their accounts; and in all matters relating to apprentices.

PROBATE COURT.

Judge.—In counties having more than seventy thousand inhabitants, a probate judge must be elected to attend to the probate business of the county. In this case the county court has only law jurisdiction, and a separate probate court is established.

Clerk.—A probate clerk is also elected in such cases.

In 1898 only three counties, Cook, Peoria, and La Salle, elected separate probate judges.

SHERIFF.

Attendance at Courts.—The sheriff must attend all the sessions of circuit and county courts, and obey their lawful orders. He convenes and adjourns the court when directed to do so, and preserves order in the court.

Service of Writs.—The sheriff serves all warrants, summonses, subpœnas, executions and other papers that the court may issue.

A warrant directs the sheriff to arrest a certain person accused of a crime.

A summons directs the sheriff to summon a certain person to appear in court to answer a demand made by another person named in the summons.

A subpœna commands a certain person to appear in court as a witness.

An execution empowers the sheriff to carry a judgment into effect. A common form of execution is that which directs the sheriff to seize certain property and sell it to pay the obligations of a person against whom a suit has been decided.

Let the teacher procure blank copies of these and other judicial writs and discuss their uses with the class.

Conservator of the Peace.—Every sheriff is conservator of the peace in his county, and it is his duty to suppress riots, fighting and all breaches of the peace, and to prevent crime.

He may arrest, without a warrant, persons whom he sees offending, and take them before a magistrate.

Custodian of Court House.—The sheriff has charge of the court house and jail in his county.

Care of Prisoners.—He is the keeper of the county jail. He sees that all prisoners are properly guarded and supplied with suitable food.

When prisoners are sentenced to the penitentiary or reform school, the sheriff removes them thither. He also hangs criminals condemned to death.

Deputies.—The sheriff may appoint deputies to assist him in his work. These deputies have all the powers of the sheriff, and their official acts are considered as acts of the sheriff, he being responsible in all cases for them.

Ineligible to Re-election.—A person having once been elected to the office of sheriff is ineligible to re-election for four years after the expiration of the term for which he was elected.

STATE'S ATTORNEY.

Prosecution of Criminals.—The state's attorney sees that offenders against the laws are indicted, arrested, and brought into court for trial. He then endeavors to prove their guilt and have them punished. He is often called the "prosecuting attorney."

Civil Suits.—The state's attorney carries on, in behalf of the county, all lawsuits brought for or against it, and in cases brought against county officers as such, he defends the officers.

Advisory Duties.—He is the legal adviser of all county officers, and of justices of the peace relating to their duties.

CORONER.

Inquests.—Whenever the coroner is informed that some person within the county has met with death from violence, accident or any undue means, it is his duty to repair to the place, and, with the aid of a jury, inquire into the cause of the death. Such an examination is called an inquest.

A record of the inquest is kept in a book provided for the purpose. The coroner reports the result of the examination to the county clerk.

Arrest of Slayer.—If any person is found to be implicated as the murderer of the deceased, it is the duty of the

coroner to arrest him and hold him for further examination and trial.

Coroner Acts as Sheriff.—When the sheriff's office becomes vacant, or when the sheriff is interested in any suit, the coroner acts as sheriff.

Name all of the judicial officers of your county.

CHAPTER V.

TOWN GOVERNMENT.

LEGISLATIVE DEPARTMENT.

Annual Town Meeting.—On the first Tuesday of April every town in the state holds its annual town meeting for the election of officers and the transaction of the business of the town.

Moderator.—At some time between the hours of eight and nine o'clock in the forenoon, the voters present are called together by the town clerk.

One of their number is chosen moderator, and the supervisor and assessor of the town take their places as judges of the election. The moderator is a judge of the election, and also presides over the meeting during the transaction of miscellaneous business.

The moderator must take an oath before entering upon the duties of his office.

Clerk.—The town clerk last elected is clerk of the annual town meeting, and must keep a full and faithful record of all its proceedings.

Manner of Voting.—The town clerk must supply a suitable ballot box. This box, made of tin or wood, is shown to be empty at the beginning of the election, and is then kept locked until the voting is done.

In 1891 the legislature passed an election law modeled after what is known as the "Australian System." All ballots are printed at public expense. The names of the candidates of all parties are put upon one ballot, under proper

headings. No "ticket peddlers" are allowed, and no "electioneering" can be done within one hundred feet of the polls. The voter enters the polling place and gives his name to one of the judges, who calls it out in a loud tone of voice. If the person is found to be entitled to vote he is allowed to enter a space enclosed by a guard rail. A judge of election then gives him one ticket, and only one, which the voter takes into an enclosed place called a booth, where, all alone and out of sight of everybody, he marks the names of the candidates for whom he wishes to vote. If he cannot read, or is physically unable to mark his ballot, two election officers assist him, but are not allowed thereafter to tell how he voted. The voter, having marked his ballot, folds it so as to conceal the marks made by him thereon, and leaving the booth, hands it to an election judge, who places it in the ballot box *without numbering it*, as was formerly done. The voter then passes out and is not again allowed to enter the space enclosed by the guard rail during that election, nor can he by any means carry a ballot away with him.

When the polls are closed, the ballot box is opened by the judges and the votes are canvassed—that is, the names of the persons voted for each office are ascertained, and a record made of the number of votes each person receives.

When the canvass is completed, the town clerk announces the result of the election, and the town meeting is at an end.

Miscellaneous Business.—At two o'clock in the afternoon the polls are closed temporarily, and the moderator calls the meeting to order for the transaction of miscellaneous business.

All questions are decided by a majority of the legal voters present. The following are the most important matters that may be acted upon.

Taxes.—Money may be directed to be raised by taxation for constructing or repairing roads and bridges; for the prosecution or defense of lawsuits for or against the town, and for a few other purposes.

Lawsuits.—The meeting may instruct the proper officers concerning the lawsuits of the town.

Canada Thistles.—Rewards may be offered for the destruction of Canada thistles and other noxious weeds.

Fences.—The meeting may determine what shall be a lawful fence in the town, and make rules concerning fences.

Trees.—Action may be taken to induce the planting of trees along the highways.

Premiums may be given for this purpose.

Stock.—The meeting may restrain and regulate the running at large of stock, establish and maintain a pound, appoint a poundmaster and prescribe his duties.

Public Wells.—Public wells and watering places may be provided for, and their use regulated.

Public Health.—Measures may be taken to prevent unhealthfulness in the town.

Road Tax.—The voters may determine whether the road tax of the town shall be paid in money or in labor.

Reports of Officers.—The voters receive and act upon the reports of officers for the past year.

When the miscellaneous business is concluded, the moderator so announces, the polls are reopened, and the voting continues till time for closing the polls.

Voters.—All men twenty-one or more years of age who are citizens of the United States, and who have resided in the State one year, in the county ninety days, and in the election district thirty days, are entitled to vote at the annual town meeting, and at all other elections in this State.

Special Town Meetings.—The supervisors, town clerk, and a justice of the peace, or any two of these officers together with at least fifteen voters of the town, may cause a special town meeting to be held, by filing with the town clerk a statement, in writing, that such a meeting is necessary for the good of the town. The objects of the meeting must be given in the statement.

Notice of the meeting is given in the same manner, and for the same length of time as for annual town meetings. The notice must state the objects of the meeting as given in the written statement filed with the town clerk, and no business can be done except that for which the meeting was called. Why this provision?

EXECUTIVE DEPARTMENT.

Officers.—The executive officers of the town are supervisor, clerk, assessor, collector and highway commissioners. There is no *town* treasurer. The supervisor and one of the highway commissioners have charge of all *town* funds. There is a *township* treasurer, but he holds nothing except *township school* funds. He is a school officer, and his duties will be given in the proper place.

The town officers are elected at the annual town meeting. A poundmaster may also be appointed at that time. A commissioner of Canada thistles may be appointed by the board of town auditors.

SUPERVISORS.

Town Funds.—The supervisor receives and pays out all funds for the expenses of the town, except for road and bridge purposes.

Lawsuits of the Town.—He is to prosecute suits for the recovery of penalties and forfeitures due the town.

When the supervisor's bond is forfeited, the town clerk is to prosecute the suit.

Account and Settlement.—The supervisor must keep strict account of all sums of money received and paid out for the town, and on Tuesday preceding the annual town meeting he must make a settlement with the board of town auditors.

County Board.—All supervisors, except of the towns in Cook county, must attend all meetings of the county board.

The State constitution provides that Cook county shall be governed by a board of commissioners of fifteen persons, ten from the City of Chicago, and five from the towns outside the city.

Town Paupers.—The supervisor is overseer of the paupers of the town. It is his duty to furnish them proper relief at the expense of the town or county.

Statement.—One week before the annual town meeting the supervisor must file with the town clerk a statement showing what sums of money are due the town, also, what sums the town owes. This statement must be copied by the town clerk into the town records, and read at the town meeting.

Term.—Supervisors are elected for two years.

Assistant Supervisors.—In towns of four thousand inhabitants there must be elected one assistant supervisor, and for every twenty-five hundred inhabitants above four thousand an assistant supervisor is added.

These have no authority in town affairs, except as members of the board of health. As members of the county board they have the same powers as the principal supervisor.

TOWN CLERK.

Records.—The town clerk has custody of all records, books and papers of the town.

Town Meetings.—He records in a book provided for the purpose the proceedings of every town meeting, including all rules and regulations adopted at such meeting.

He also records the acts of the board of the town auditors, and is clerk of highway commissioners.

Certificates.—If it be voted at any town meeting to raise money for any purpose, the clerk must deliver to the supervisor before the annual meeting of the county board a certificate of his record of such vote.

He must certify to the county clerk, on or before the second Tuesday in August, the amount of taxes to be raised for all town purposes.

Term.—The town clerk is elected for one year.

ASSESSOR.

Value of Property.—It is the duty of the assessor to set a value upon the property of every property holder in his town, and to write such value in a book prepared for the purpose. This book, when the assessments are completed, is delivered to the county clerk. When all the assessors' books in the county have been returned to him, the county clerk ascertains the total valuation put upon the taxable property within the county. From the tax levies made and filed in his office by the various officers who are authorized to levy taxes, he ascertains the total amount to be raised by taxation in his county. By finding the per cent that this amount is of the assessed value of all the property, he obtains what is called the rate per cent. of taxation. The assessed value of a

man's property multiplied by this rate per cent. will give the amount of his tax.

Supervisor of Assessments.—In counties under township organization of less than 125,000 inhabitants, the county treasurer is *ex officio* supervisor of assessments in his county. He has the same power as an assessor to assess and to make changes or alterations in the assessment of property.

Board of Review.—In counties in which the treasurer is supervisor of assessments there is a board of review consisting of the chairman of the county board and some citizen of the county appointed by the county judge. They review the assessments made by the supervisor of assessments. They have power to increase, reduce or otherwise adjust the assessment of any individual or corporation.

Cook county, having over 125,000 inhabitants, has a different system of assessments. It has a board of assessors, five in number, who serve six years. They keep an office which is open all the year. They employ a chief clerk and as many deputy assessors as may be necessary. The members of the board of assessors receive $3,600 each per annum.

COLLECTOR.

Collection of Taxes.—The collector, as his name implies, collects the taxes of the town, and pays them over to the proper officers.

Term.—The assessor and collector are elected for one year.

HIGHWAY COMMISSIONERS.

Treasurer.—There are three commissioners of highways elected in every town.

Within ten days after their election they must meet at the town clerk's office and elect one of their number treasurer.

The treasurer, after executing a bond, receives all money collected in the town for road and bridge purposes, and pays it out on the order of two or more of the highway commissioners.

Roads and Bridges.—The commissioners establish, alter or vacate roads, keep roads and bridges in repair, and build new bridges when necessary.

Road Districts.—The commissioners divide their respective towns into districts of convenient size, and when road tax is paid in labor, they appoint an overseer of highways in each district, and direct him in his work.

Tools and Implements.—The commissioners purchase for the use of the town such plows, scrapers and other implements as may be necessary, and have charge of them at all times.

Drainage Commissioners.—The commissioners of highways constitute the board of drainage commissioners for all drainage districts within their respective towns.

Other Duties.—It is the duty of the highway commissioners to put up guide boards at the forks and crossings of the most important public roads; also to keep noxious weeds from seeding.

They may provide public wells with suitable fixtures at the most important crossings, and at other suitable places.

Road Tax.—The commissioners must annually levy a tax sufficient for all road and bridge purposes for the ensuing year, but this tax cannot exceed the rate of forty cents on one hundred dollars, unless the voters at the annual town meeting so direct. In any case the rate cannot exceed sixty cents on one hundred dollars.

Term.—The highway commissioners are elected for three years, one being elected annually.

TOWN BOARDS.

Board of Appointment.—Whenever there is a vacancy in any town office, from any cause, the justices of the peace of the town, together with the supervisor and the town clerk, may choose some one to fill such vacancy for the remainder of the term.

Board of Town Auditors.—The supervisor, town clerk and justices of the peace of every town constitute the board of town auditors.

The board meets at the town clerks' office twice each year—on Tuesday before the annual meeting of the county board, and on Tuesday before the annual election. At these times they examine the accounts of the supervisor and commissioners of highways of the town, and audit all charges and claims against the town, and the compensation of all town officers, except that of supervisors for county services.

Commissioner of Canada Thistles.—The board of auditors may appoint, when necessary, a commissioner of Canada thistles, whose duty it is to destroy all Canada thistles growing in the town. He is appointed for three years.

Board of Health.—The supervisors, assessors and town clerk of every town constitute a board of health.

It is their duty to make and enforce, when necessary, such regulations as may tend to check the spreading of contagious diseases in the town.

Town Board of Equalization.—The assessor, town clerk and supervisor on the fourth Monday of June of each year, for the purpose of reviewing the assessment of property in the town.

Due notice is given of the time and place of such meeting, and any person who may think he has been assessed too high, or that another person has been assessed too low, may appear before the board of equalization and have the matter investigated.

The board equalizes all assessments as nearly as possible.

JUDICIAL DEPARTMENT.

Officers.—The judicial officers of the town are justices of the peace and constables.

There are at least two justices and two constables in every town, and one justice and one constable additional for every one thousand inhabitants above two thousand, until there are five of each.

Term.—Justices of the peace and constables are elected for four years.

Justices for the city of Chicago are appointed by the governor.

JUSTICES OF THE PEACE.

Civil Suits.—Justices of the peace have jurisdiction in civil cases in which the amount in dispute does not exceed two hundred dollars.

Criminal Affairs.—Justices have original jurisdiction in all cases of misdemeanor, when the punishment is by fine only, and the fine does not exceed two hundred dollars, and in all cases of assault, and assault and battery.

A misdemeanor is an offense not punishable with death or imprisonment in the penitentiary.

When an offense is punishable with death or imprisonment in the penitentiary, it is a felony.

An assault is an attempt, coupled with present ability, of one person to do a violent injury to another.

Assault and battery is the unlawful beating of another.

Preliminary Examination.—When a person is suspected or accused of felony, he may be arrested and brought before a justice for a preliminary examination.

If the justice, or the jury summoned by the justice, has just cause to believe him guilty, he is held to bail or sent to jail to await the action of the grand jury.

When a prisoner is held to bail, he procures a sufficient number of responsible persons who will pledge themselves in writing to pay into the public treasury a certain sum of money, if the prisoner, being set free, does not appear in court on a certain day.

After a person has had his preliminary hearing, he must be indicted by the grand jury before he can be brought to trial.

CONSTABLES.

Duties.—Constables must keep the public peace by arresting all persons who offend against the laws in their presence, and must promptly serve the writs issued by the justices and other magistrates.

All judges and justices of the peace are also conservators of the peace within their respective jurisdictions.

Fees.—Justices and constables receive certain fees prescribed by law.

CHAPTER VI.

CITY AND VILLAGE GOVERNMENT.

LEGISLATIVE DEPARTMENT.

Cities Under Special Charters.—Prior to 1870, cities could obtain from the legislature special charters for their government.

These charters gave the cities to which they were granted certain privileges, named and defined the duties of the several officers, and were, withal, the basis of the city governments.

The constitution of 1890 prohibits the granting of such special charters, or the amendment of those already granted.

Cities Under the General Law.—Since the adoption of the new constitution, all cities have been incorporated under the general law.

The governments of cities under special charters often differ from one another very materially; while under the general law all cities are governed in the same manner.

The following discussion applies to cities organized under the general law:

City Council.—The city council consists of the mayor and aldermen.

The mayor has no vote except in case of a tie. He is the presiding officer, rather than a member, of the council.

The aldermen are from six to forty-eight in number, according to the population of the city, and are elected for two years.

Wards.—For convenience in electing aldermen, cities are divided by the city council into half as many wards as there are aldermen, one alderman being elected from each ward annually on the third Tuesday in April.

Wards must, as nearly as practicable, have an equal number of inhabitants, and be formed of compact and contiguous territory.

Meetings.—The council determines the time and place of its regular and special meetings. All meetings are open to the public.

Powers of City Councils.—The general law defines ninety-six different powers of city councils. The following are among the most important:

Ordinances.—The council passes ordinances for the government of the city, and fixes such penalties as it may deem necessary, but no fine can exceed two hundred dollars, and no imprisonment can exceed six months for one offense.

Animals at Large.—The council may prohibit the running at large of animals, including geese and dogs, and may impose a tax on dogs.

Taxes.—The council has power to levy and collect taxes for general and special purposes.

Officers.—The council acts upon all appointments of officers made by the mayor, and may confirm or reject them.

Pay of Aldermen.—The pay of aldermen is fixed by the city council, but must not exceed three dollars to each alderman for each meeting of the council. No other compensation is allowed. In Chicago each alderman receives $1,500 a year.

EXECUTIVE DEPARTMENT.

Mayor.—The chief executive officer of a city is the mayor, who is elected for two years.

He presides over the meetings of the city council, and has a vote in case of a tie. He may also veto any ordinance passed by the council. Two-thirds of all the members elected to the city council may pass an ordinance over the mayor's veto. In these respects the mayor's duties pertain rather to the legislative department.

Appointment of Officers.—The mayor may, with the consent of the council, appoint certain officers. At such times the council exercises executive power.

Message.—The mayor must present to the city council, at least once a year, a message regarding the affairs of the city, and recommend for their consideration such measures as he may deem expedient.

Compensation.—The compensation of the mayor and of all the other city officers is fixed by the council, and cannot be changed during the term for which they are elected.

City Clerk.—A city clerk is elected in every city for two years. He is the custodian of the corporate seal, and of all papers belonging to the city.

He must attend the meetings of the city council and keep a record of its proceedings.

He must record in a book kept for that purpose all ordinances passed by the council.

City Treasurer.—This officer is elected for two years, and has charge of the city funds.

His duties are much the same as those of the county treasurer.

Assessor and Collector.—Instead of having the city taxes assessed and collected by the same officers and at the same

time as other taxes, the city may elect a city assessor and a city collector.

Other Officers.—By a vote of two-thirds of all the aldermen elected, the city council may provide for the election by the legal voters, or for the appointment by the mayor, of certain other officers.

Among those who, when so appointed or elected, have executive authority, are a city comptroller and a superintendent of streets.

City Comptroller.—The city comptroller is the special guardian of the funds of the city. He has general supervision over all city officers who handle the city funds, and makes an annual estimate of the amount of money necessary to run each department of the city government for the ensuing year.

Superintendent of Streets.—This officer has general supervision of the streets, and sees that they are kept in order.

JUDICIAL DEPARTMENT.

City Courts.—In cities having five thousand or more inhabitants, there may be city courts which shall at all times have concurrent jurisdiction with circuit courts, except for the crimes of treason and murder.

A judge and a clerk of the city court are elected for four years.

Police Magistrates. — Police magistrates, having the same jurisdiction as justices of the peace, may be elected in cities and villages for four years.

Justices of the peace have jurisdiction in all matters pertaining to city and village ordinances.

Corporation Counsel. — There may be elected, or appointed, a corporation counsel, whose relation to the city and its officers is much the same as that of the attorney-



STATE UNIVERSITY, NORMAL.

general to the State and State officers. Only large cities have need of such an officer.

City Attorney.—This officer is elected in every city for two years.

He prosecutes offenders against the city ordinances, advises the city council and other officers, and conducts the lawsuits of the city.

City Marshal and Policemen. — The mayor, with the consent of the council, may appoint a city marshal and a sufficient number of policemen. The marshal is at the head of the police force, and has all the powers of a constable.

The sheriff of the county, or any other constable may serve any processes, or make any arrests authorized to be made by the city marshal.

The mayor and the members of the city and village councils are conservators of the peace, and may make arrests for violation of ordinances or of any criminal law of the State, with or without warrants.

Trustees of Villages.—Villages are governed very much the same as cities. In place of the city council there is a board of trustees, six in number, elected for one year. A president of the board of trustees is also elected each year. He has about the same powers as the mayor of a city, and the trustees have powers similar to those of aldermen. The president has a vote only in case of a tie.

A village clerk is also elected.

The president and board of trustees may appoint a treasurer, one or more street commissioners,, a village constable, and a few other officers.

CHAPTER VII.

PUBLIC SCHOOL SYSTEM.

ORIGIN.

Ordinance of 1787.—In 1787 congress passed an ordinance for the government of the territory of the United States northwest of the Ohio River. The third article refers to education in this manner: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

Act of Congress, 1818. — In 1818 congress passed an act enabling the people of Illinois to form a State constitution. Section six has the following provision: "The section numbered sixteen in every township, and when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools." It is further provided that three per cent. of the net proceeds from the sale of public land within the State shall be appropriated by the legislature of the State for the encouragement of learning, and one-sixth of the amount shall be bestowed exclusively upon a college or university.

State Constitutions.—Neither the constitution of 1818 nor that of 1848 makes any special mention of education. The constitution of 1870, on the contrary, has an entire article devoted to the subject, and declares that "the General Assembly shall provide a thorough and efficient system of

free schools, whereby all children of the State may receive a good common school education."

Laws of the State. — The first law providing for the establishment of free schools was passed in 1825. Many changes have since been made, some of which destroyed for a time the *free* school feature of the system.

RELATION TO STATE GOVERNMENT.

The public school system, though distinct in its purpose, is intimately connected with the government of the State in civil affairs.

The General Assembly is the law-making power, and the ordinary courts have jurisdiction in school matters. But there are several executive officers who have to do with school matters only.

With reference to the school system the State is divided into counties, townships, and school districts.

SCHOOL FUNDS.

State Funds.—The State school fund is made up from three distinct sources.

Direct Tax.—Prior to 1873 a tax of two mills upon each dollar's valuation of the property in the State was levied for school purposes. In that year the General Assembly passed a law providing that there shall be levied "for State school purposes, to be designated *State School Fund* (in lieu of the two-mill tax therefor), $1,000,000 annually."

Interest on the School Fund Proper. — The School Fund proper consists of three per cent. of the proceeds of the sales of public lands in the State, one-sixth part excepted.

The school fund proper is one of the permanent school funds of the State. It is called a permanent fund because no part of the fund itself, but only the interest upon it, can be

expended. The interest on this fund is made a part of the State school fund. The one-sixth part of the proceeds excepted is known as the "College Fund."

Interest on the Surplus Revenue. — In 1836 congress passed an act depositing with the States, in proportion to their representation in congress, the money that had accumulated in the national treasury—chiefly from the sale of public lands. Prior to this an unsuccessful attempt had been made to distribute this money among the States as a gift from the nation. The objections to this plan were overcome by depositing the money with the States subject to return at a call by congress. About $28,000,000 was deposited in this way, and none of it has ever been called for. Illinois received $477,919.24.

When Illinois received her share, the General Assembly, in 1837, made a large part of the "surplus revenue," as it is called, a part of the permanent common school fund. The interest on this is annually distributed among the schools of the State.

The interest on the State school fund is paid by the State at the rate of six per cent. per annum.

Distribution of State Funds to Counties.—There is a special arrangement provided by law by which the State fund is distributed among the several counties with the least trouble and expense. In order to understand this, let us see how the funds would be distributed if there were no special arrangement.

The interest on the school fund proper and on the surplus revenue is to be paid by the State from its funds in the hands of the State treasurer; and the $1,000,000 raised annually by taxation would come into the treasurer's hands with the other State tax, after passing through the hands of the town or county collectors and the county treasurers.

The State treasurer would then distribute the fund by the auditor's order to the several counties.

The special arrangement is designed to prevent the passing of the money from county to State and then back to the county.

The State fund is distributed among the several counties in proportion to the number of persons under twenty-one years of age.

On the first Monday of January of each year after taking the census of the State, the auditor of public accounts makes a dividend to each county of the money due it, and issues his warrant for the amount upon the county collector, and in favor of the county superintendent of schools.

The treasurers in counties under township organization, and the sheriffs in counties not under township organization are, *ex officio,* county collectors.

The county superintendent presents the warrant to the county collector, and receives the money due the county. The county collector turns the warrant over to the State treasurer in lieu of the amount for which it was drawn. The State treasurer presents the warants received from the several county collectors to the auditor, who takes them up and issues in their stead a warrant upon the State treasurer for the amount of the school tax warrants, and another for the amount of interest on the school fund proper and surplus revenue.

In this way each county gets its share of the State fund from its own collector, and the evidence of this is in the hands of the State auditor.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Funds.—The school law provides that the superintendent of public instruction shall pay over, without delay, all sums of money which may come into his hands by virtue of his office.

There is no provision in the law at present by which money may come into his hands except in payment of his salary and the expenses of his office.

Counsel with Teachers.—He is to counsel and advise with experienced and practical school teachers as to the best manner of conducting common schools.

Supervision.—He has the supervision of all the common schools in the State.

Advisory Duties.—He is the general adviser and assistant of county superintendents of schools, and from time to time addresses circular letters to them relating to school matters.

He is the legal adviser of all school officers, and when requested by any such officers, gives his opinion in writing upon any question arising under the school law of the State.

Report.—The State superintendent reports biennially to the governor, giving the condition of the schools of the State; the number of schools taught in each county; certain facts regarding the number of male and female teachers; the number of pupils in attendance at school; the number of persons in each county under twenty-one years of age, and the number of persons between the ages of twelve and twenty-one who can not read and write; the amount of township and county funds, and the amount of State, county and township funds annually paid out; the amount raised by taxation; the whole amount annually expended for schools;

the number of schoolhouses, their kind and condition; the number of whole and fractional townships in each county; facts about apparatus and school libraries; and other facts relating to schools. He is also to give suggestions regarding changes in the school law.

This report is laid before the General Assembly at its regular session, and is printed for free distribution.

Funds Withheld.—The State superintendent has power to cause funds to be withheld from any school officer or teacher who has not complied with all the requirements of the law.

Bond.—The State superintendent gives a bond for $25,000.

Salary.—He receives a salary of $3,500 a year.

COUNTY SUPERINTENDENT OF SCHOOLS.

Accounts.—The county superintendent must keep an account of all sales of common school lands in his county, and of all sums of money received, loaned or paid out.

Report to County Board.—He must present a written report to the county board at their regular meeting in September, giving a full statement of all sums of money in his charge since his last report, together with a statement of the condition of the county and township funds in his charge.

Township Treasurers.—The county superintendent must examine all bonds given by township treasurers, and approve them or return them for correction. When they have been approved, he must pay over to the treasurers all sums of money, and all bonds, notes, and other securities and papers belonging to their respective townships.

Apportionment.—He must apportion among the township in which schools have been legally kept, the money

received upon the auditor's warrant from the State fund, together with the interest on the county fund, if there be one.

He must see that every treasurer's bond is valid before paying him the sum apportioned for his township; and in case the directors of any district have not made their annual report, he withholds their share of the funds.

Report to State Superintendent. — He must report to the State superintendent such facts as the latter may require to assist him in making up his report to the governor.

Advisory Duties. — In controversies arising under the school law, the opinion and advice of the county superintendent must first be sought, but appeal may be taken to the State superintendent. The county superintendent stands in much the same relation to the school officers and teachers of the county as the State superintendent stands to those of the whole State.

Treasurers' Accounts. — The county superintendent must examine annually all accounts, books and vouchers of every township treasurer in his county, and report to the school trustees any irregularities he may find. He must also examine all bonds, notes and other securities for school funds held by every treasurer, and see that they are of proper form, and have sufficient security.

Teachers' Associations. — He must encourage the formation, and assist in the management of county teachers' associations.

Examinations. — He must hold examinations for teachers' certificates at least once every three months, and oftener, if necessary, at such times and places as will, in his opinion, accommodate the greatest number of applicants.

Fee for Certificate. — The county superintendent must in all cases require the payment of a fee of one dollar from every applicant for examination for a teachers' certificate,

NORMAL SCHOOL, CARBONDALE.

and for each renewal of a certificate. He must pay the money received in this way to the county treasurer, and give him also a list of the names of persons paying the fees. The county treasurer keeps account of such fees as a part of what is known as the "institute fund."

Teachers' Institutes.—The county superintendent must hold, annually, a teachers' institute, which must continue in session at least five days. Two or more adjoining counties may hold an institute together.

Instruction is free at such institutes to persons holding certificates good in the county, or counties, for which the institute is held, and also to those who have paid the required fee and failed to receive certificates. All other persons must pay a registration fee of one dollar. The registration fees are added to the institute fund, which is held subject to the order of the county superintendent, and is used only to defray the expenses of teachers' institutes.

Institutes During Term Time.—The time not exceeding three days in any one term, or five days in any one year, actually spent by a teacher of any public school in the State in attendance upon a teachers' institute, under the direction of the county superintendent, is considered time lawfully expended by the teacher in the service of his district, and no deduction of wages can be made for absences. Directors must allow teachers to close their schools for such attendance upon these institutes.

Visiting Schools.—Prior to 1885, the county superintendent visited schools only when directed to do so by the county board, or, in other words, the county board could pay him for visiting schools, or not, just as it pleased. As a rule, few superintendents visited schools more than a few days each year.

Under the present law the county superintendent must visit every school in his county at least once a year. He is

to spend at least one-half of the time given to his office in visiting ungraded schools.

In counties having less than one hundred schools the county board may limit the time of the superintendent to a certain extent. In counties having not more than fifty schools, the limit cannot be less than one hundred and fifty days; in counties having from fifty-one to seventy-five schools (inclusive), not less than two hundred days; in counties having from seventy-six to one hundred schools (inclusive), not less than two hundred fifty days. Of course, in counties having more than one hundred schools, the superintendent is paid for his whole time.

Bond.—The county superintendent gives a bond for a sum not less than $12,000, to be increased at the discretion of the county board, by whom it must be approved.

Compensation.—He receives four dollars per day for the time actually spent in the performance of his duties, and one dollar a day additional for expenses for the time spent in visiting schools.

Besides this, he receives three per cent. commission on the amount of sales of school lands, and two per cent. commission on all sums loaned, distributed, or paid out for the support of schools.

TRUSTEES OF SCHOOLS.

Election.—The business of the school township is done by three trustees, one of whom is elected on the second Saturday in April, annually. In cases where the boundaries of the school township coincide and are identical with the boundaries of the town, as established under the township organization laws, the election for school trustees is held at the same time as the annual town meeting. This is on the first Tuesday in April.

If this is not clear to you, review what was said in the third chapter of this book about the school township, the town, and township organization. There is a great deal of mistiness in the popular mind regarding these divisions and their officers. Election tickets for the town officers are often headed, "Township Ticket," and the various officers of the town are called "township officers." Remember that the only township officers elected by the people are three trustees of schools.

Are the trustees of schools in your township elected at the same time as your town officers?

Term.—School trustees are elected for three years.

Meetings.—The trustees hold regular semi-annual meetings on the first Monday of April and October, and such special meetings as may be necessary.

Appointment of Township Treasurer.—The board of trustees appoint one of their number president, and some resident of the town, who is neither a trustee nor a school director, township treasurer.

Division of Township into Districts.—The board of trustees divide their township into a suitable number of districts for the convenience of a majority of its inhabitants.

After districts have been formed, they may be changed by the trustees so as to divide or consolidate districts, to make a new district out of territory belonging to two or more districts, or to take territory from one district and add it to another. In such cases the trustees can act only upon the petition of a majority of the legal voters of each district affected, or of two-thirds of the voters in a certain territory when such territory is to be added to another district, or made into a separate district. In the latter case the territory must contain at least ten families.

Distribution of Funds. — At the regular semi-annual meetings the trustees ascertain the amount of State, county and township funds on hand and subject to distribution, and apportion it among the several districts which have kept schools according to law, in proportion to the number of persons under twenty-one years of age.

The amount apportioned to each district is placed to its credit on the treasurer's books, and is paid out upon the orders of the directors of the district.

The township fund consists mainly of the proceeds of the sale of the sixteenth section, and the interest thereon. The interest only is apportioned to the districts. The principal must forever be loaned for the use of the township.

Examination of Accounts.—At their semi-annual meetings, and at other times, if they think proper, the board examines all books, notes, mortgages, and other papers belonging to the township, and sees that the funds are properly managed.

Township High Schools.—The voters of the township may elect to establish a township high school for the education of the more advanced pupils. In this case a township board of education of five members has charge of the school in all respects the same as directors in case of district schools.

Compensation.—The trustees of schools give no bonds, and receive no compensation for their services. In counties under township organization they are exempted from road labor and military duty.

TOWNSHIP TREASURER.

Clerk of Board of Trustees.—The township treasurer is clerk of the board of trustees of his township. He keeps a record of all the official proceedings of the board.

Report to County Superintendent.—As clerk of the board of trustees, he reports to the county superintendent such facts as the latter must report to the State superintendent.

Care of Funds.—The township treasurer is custodian of the school money of the township and the several districts.

It is his duty to keep the permanent school funds at interest.

Semi-Annual Statement.—At each regular meeting of the trustees he must present to them a full statement of the affairs of the township, and lay before them all papers pertaining to his office.

Annual Exhibit.—He must annually make out a complete statement of the sums of money received, paid out, and on hand, with reference to the township and each school district, and present it to the trustees at their first meeting after the annual election.

Statement to Districts.—Twice each year the township treasurer must make out a statement for each district, giving an itemized statement of receipts and expenditures since the last report, and showing the sum of money to which the district is entitled at the time of the statement. This statement must be sworn to by the treasurer and delivered to the clerk of the board of directors for the district.

Statement to County Superintendent.—The township treasurer must make an annual statement, under oath, to the county superintendent, showing the exact condition of the township funds.

Term.—The township treasurer is appointed for two years.

Bond.—He gives a bond sufficient to cover all liabilities incurred.

Compensation.—The compensation of the township treasurer is fixed by the board of trustees prior to his appointment.

SCHOOL DIRECTORS.

Election.—Each school district has three directors, one being elected annually on the third Saturday in April at the district election.

Election notices must be posted at least ten days before the election, stating the place of holding the election, the time of opening and closing the polls, and the questions to be voted upon.

The question of building a schoolhouse, moving one already built, extending school beyond nine months, and some other questions may be voted upon, if due notice has been given.

Organization.—Within ten days after the annual election, the directors meet and organize by appointing one of their number president and another clerk.

The president presides at the meeting, and executes the orders of the board.

Record.—The clerk must keep a record of all the proceedings of the board in a book provided for the purpose, and must submit the records to the inspection of the township treasurer on the first Monday of April and of October.

Reports.—The clerk must report to the township treasurer on or before the seventh day of July, annually, such facts as the treasurer is required to report to the county superintendent.

Statement to Voters.—The directors must present to the voters of the district at the annual election, a detailed statement of their receipts and expenditures, and a copy of this statement must be furnished the township treasurer within five days of the time of the election.

Meetings.—The directors must have regular meetings at such times as they may designate, and may hold special meetings when necessary.

No business can be legally transacted except at a regular or special meeting.

Power to Levy Tax.—The directors may levy a tax not to exceed two per cent. for school, and three per cent. for building purposes, upon all the taxable property of the district.

The directors ascertain as nearly as they can the amount of money necessary to be raised by taxation in their district, and certify to the township treasurer on or before the first Tuesday in August, annually, that such an amount is needed.

The directors first determine how much money will be needed for all purposes for the next year, and knowing from the treasurer's statement the amount of State, county and township funds due their district by apportionment, they are enabled to determine the amount necessary to be raised by special tax.

School Year.—The directors establish and maintain for at least one hundred ten days of actual teaching a sufficient number of free schools for the accommodation of all children in the district over the age of six, and under the age of twenty-one years.

Unless the school is kept at least one hundred ten days, the district cannot receive any of the State fund apportionment.

Rules for the School.—The directors must adopt and enforce necessary rules and regulations for the proper management and government of the schools.

Visiting Schools.—The directors must visit the schools from time to time as the good of the schools may require.

Employment of Teachers.—The directors employ teachers, fix their salaries, and may dismiss them for incompetency, cruelty, negligence, immorality, or other sufficient cause.

Directors cannot legally employ a teacher unless he has a certificate from the county superintendent good for the whole time for which he is employed.

Branches of Study.—They must direct what branches of study shall be taught, and what textbooks and apparatus shall be used.

They must enforce strict uniformity of textbooks, but changes in textbooks cannot be made oftener than once in four years.

Schedules.—The directors must examine the schedules presented by the teacher, and certify to their correctness, if no mistakes be found in them.

They must then give the teacher an order upon the township treasurer for his pay.

The schedules must be delivered by the directors to the township treasurer on or before the seventh of July annually.

Compulsory Education.—Every person having control of any child between the ages of seven and fourteen years, shall annually cause such to attend some public or private day school for at least sixteen weeks, twelve weeks of which must be consecutive. Willful neglect of such duty renders persons having charge of any such child subject to a forfeit of not less than one, nor more than twenty dollars.

School boards and directors *may* appoint one or more proper persons to report to them in writing all such violations of the law; and it is their duty to appoint one of their number, who shall be a discreet and proper person, to hear excuses and reasons from parents and guardians for failure of children to attend school.

Transfer of Pupils. — Pupils may be transferred from one district to another upon the written permission of the boards of directors of both districts. Such permits must be filed with the township treasurer.

Compensation.—Directors give no bond and receive no compensation for their services. The directors may allow their clerk compensation for work actually performed.

In counties under township organization, directors are exempt from road labor and military duty.

Boards of Education. — In each school district having not less than one thousand, nor more than one hundred thousand inhabitants, a board of education is elected. This board consists of six members and a president, who has no vote except in case of a tie. Three additional members are elected for every additional ten thousand inhabitants, but no board can have more than fifteen members. In each city of more than one hundred thousand inhabitants, a board of education, consisting of twenty-one members, is appointed by the mayor with the consent of the city council. Prior to 1870 many cities obtained special charters for the government of their schools, and so form exceptions to the above provisions of the general law.

CHAPTER VIII.

MISCELLANEOUS.

STATE EDUCATIONAL INSTITUTIONS.

Illinois State Normal University.—The oldest educational institution of the State is the Normal University, at Normal, McLean county. It was established in 1857. Its purpose is to prepare teachers for their work in the public schools of the State. The institution is under the control of the Board of Education of the State of Illinois. This board consists of fifteen members. The State Superintendent of Public Instruction is *ex officio* a member and secretary of the Board.

Southern Illinois Normal University.—This institution was established in 1869. It is located at Carbondale, Jackson county. Its object is to qualify teachers for the schools of the State. The Southern Illinois Normal is controlled by a board of trustees, five in number.

Northern Illinois State Normal School.—This school was established in 1895, and is located at DeKalb, in DeKalb county. Its object is to qualify teachers for the common schools of this State by imparting instruction in the art of teaching in all branches of study which pertain to a common school education, in the elements of the natural and the physical sciences, in the fundamental laws of the United States and of the State of Illinois, in regard to the rights and duties of citizens.

Eastern Illinois State Normal School.—This school was also established in 1895, and is located at Charleston, Coles

county. Its object is the same as that of the Northern Normal School.

Western Illinois State Normal School.—This school was established in 1899. Its object is similar to that of the other normal schools. It is located at

The Northern, Eastern and Western Normal Schools are controlled by boards of trustees, of five members each.

University of Illinois.—This institution, located at Urbana, Champaign county, was established in 1867, under the name of Illinois Industrial University. The change to University of Illinois was made in 1885, the fact that the word *industrial* is applied to charitable and penal institutions being the principal reason for the change.

In 1862 congress provided for the apportionment, to such of the States as should comply with certain provisions within five years, of an amount of public land equal to thirty thousand acres for each senator and representative in congress to which each State was entitled by the census of 1860. One of the provisions of the grant was that there should be established in each State desiring to obtain an apportionment of land at least one college in which the leading object should be to teach such branches of learning as are related to agriculture and the mechanic arts. No part of the proceeds of the sale of such public lands can be used for the purchase, erection or repair of any building, but must be safely invested in stocks, the interest being used for the support and maintenance of the college.

The present University of Illinois was established under the provisions of this act of congress. For several years it was controlled by a board of trustees, eleven in number. Three trustees were appointed from each supreme court grand division, and the Governor and the President of the State Board of Agriculture were *ex officio* members. In

1887 a law was passed providing for the election by the people of nine trustees—three being elected every two years, the first election occurring in 1888. The State Superintendent was added to the *ex officio* members.

Illinois Farmers' Institute. — This institute was created by the legislature in 1895, for the purpose of assisting and encouraging useful education among the farmers, and for developing the agricultural resources of the State. It consists of three delegates from each county of the State, elected annually by the farmers' institutes of the respective counties. The affairs of the institute are managed by a board of directors consisting of twenty-seven members. A room at the capitol building at Springfield has been assigned to the use of the institute.

STATE CHARITABLE INSTITUTIONS.

Hospitals for the Insane.—Illinois has five hospitals for the insane. The Northern is located at Elgin, Kane county; the Eastern, at Kankakee, Kankakee county; the Central, at Jacksonville, Morgan county; the Southern, at Anna, Union county; the Western, at Rock Island, Rock Island county.

Each hospital, or asylum, as it is generally called, is under the control of a board of trustees, consisting of three members.

Illinois Asylum for the Incurable Insane.—This asylum was established in 1895. It is located at Bartonville, Peoria county. It is under the control of three commissioners appointed by the Governor, and is subject to inspection by the Board of Public Charities.

Illinois Asylum for Insane Criminals.—This asylum is located upon the grounds of the penitentiary at Chester, and is under the supervision and control of the commissioners of that penitentiary. It is subject to inspection by the State

Board of Commissioners of Public Charities as in the case of other charitable institutions.

Institution for the Deaf and Dumb.—This institution is located at Jacksonville. It is maintained for the education of the deaf and dumb. A board of trustees, three in number, has control of the institution.

Institution for the Blind. — This institution is also at Jacksonville. It is under the control of a board of trustees of three members.

Asylum for Feeble-Minded Children. — This asylum is located at Lincoln, Logan county.

Its purpose is to fit feeble-minded children, as far as possible, for earning their own livelihood. It has a board of trustees, three in number.

Eye and Ear Infirmary.—This infirmary is located at Chicago. Its object is to provide gratuitous board and medical treatment for all indigent residents of Illinois who are afflicted with diseases of the eye or ear.

It was incorporated as a private charitable institution in 1865, became a State institution in 1871, was burned at the time of the great Chicago fire, and was rebuilt in 1873.

There are three members of the board of trustees which controls the institution.

Soldiers' Orphans' Home.—This home for the education of the orphans of Union soldiers is at Normal. It was established in 1865, and is under the control of a board of trustees, three in number.

Soldiers' and Sailors' Home. — This institution, established in 1885, is at Quincy, Adams county. Its purpose is to provide a home and subsistence for such honorably discharged ex-soldiers and sailors, residents of Illinois, who from age or other cause are unable to maintain themselves, and yet, under the existing laws, cannot be admitted to one of the National homes.

A board of three trustees has charge of this home.

Soldiers' Widows' Home of Illinois.—This home was established in 1895. It is controlled by five trustees, who are appointed by the Governor, with the advice and consent of the senate. Two of the trustees are Grand Army men of different political parties, and the remaining three trustees are women and members of the Woman's Relief Corps of Illinois. The home is located at Wilmington, Will county.

Illinois Industrial Home for the Blind.—An act passed in 1887 provides for an industrial home designed to promote the welfare of the blind by teaching them trades and affording them such employment as will best tend to make them self-suporting. Cook county is given as the location.

The Governor, with the consent of the senate, appoints five trustees who serve two years. No trustees were appointed or other steps taken until 1893.

STATE PENAL AND REFORMATORY INSTITUTIONS.

Illinois State Penitentiary.—This institution is located at Joliet, Will county. It is under the control of a board of commissioners. The commissioners meet at the penitentiary once a month for the purpose of inspecting it, and receiving the reports of the warden and other officers. They make a biennial report to the Governor.

Each commissioner must give a bond for $25,000, and his salary is $1,500 a year.

Southern Illinois Penitentiary.—This penitentiary is located at Chester, Randolph county. It is controlled by a board of commissioners similar to that for the penitentiary at Joliet.

Convict Labor.—In 1886 an amendment to the State constitution was adopted, prohibiting the letting by contract

to any person or corporation the labor of any convict confined within any penal or reformatory institution of the State.

The State now furnishes the tools, machinery and materials necessary to keep all the convicts employed, and offers for sale the products of their labor.

Illinois State Reformatory. — This institution, formerly known as the State Reform School, is located at Pontiac, Livingston county. It is for the confinement, education and reformation of boys between the ages of ten and sixteen years, who have been convicted of crimes, which, if committed by an adult, would be punishable with imprisonment in the county jail or the penitentiaries. Male criminals between the ages of sixteen and twenty-one years, who have not before been sentenced to a penitentiary, may also be sentenced to the reformatory instead of a penitentiary in the discretion of the court.

Persons are not sentenced to the reformatory for any definite time, and the board of managers may terminate the sentence at any time; provided, that unless the sentence is sooner terminated by the managers, it will expire with the maximum time fixed by law for the given crime. The managers have power to release prisoners on parole during good behavior.

The reform school is managed by a board of managers, five in number, who receive traveling expenses while on necessary business for the institution. They serve five years.

State Home for Juvenile Offenders.—This institution was established in 1893. Its permanent location is at Geneva, Kane county. It is for the confinement, education and reformation of girls between the ages of ten and sixteen years, who have been convicted of offenses punishable at law.

This home is managed by a board of five trustees, two of

whom may be women. The trustees have power to place girls who have been committed to the State Home in the home of any good citizen, or to give them to proper persons who will adopt them, or to bind them as apprentices to reputable citizens during their minority. The Governor of the State or the trustees of the home may discharge any offender at any time, if in their judgment such action is advisable.

STATE BOARDS.

Commissioners of State Contracts.—The Secretary of State, Auditor, Treasurer, and Attorney-General are, *ex officio,* commissioners of State contracts. They have charge of the letting of State contracts, such as those for fuel, stationery and printing.

Printer Expert. — The Governor appoints a practical printer, who has had at least six years' experience, to assist the commissioners in letting the State printing by estimating the amount of work to be done and the paper needed, etc. He receives $6 for each day of actual service.

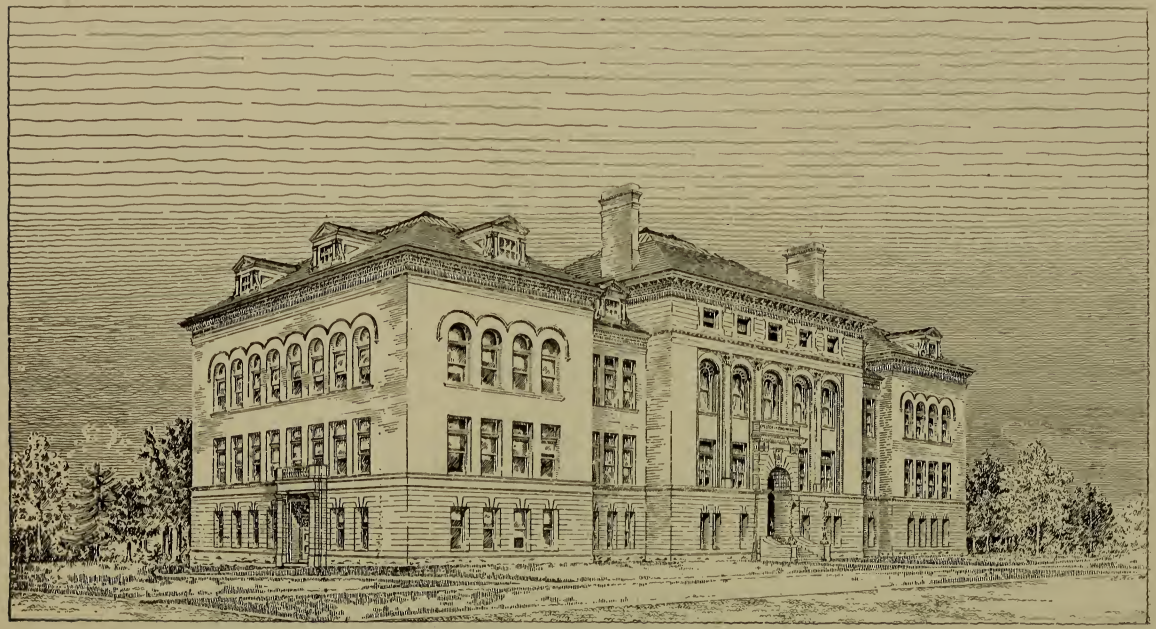
State Board of Health.—The State board of health was created by law in 1877. The board consists of seven members, appointed for seven years.

It is the duty of the board to prevent the introduction of contagious diseases into the State. They have power to quarantine when necessary.

The board also grants certificates authorizing competent persons to practice medicine within the State.

The members of this board receive only their expenses.

Returning Board. — The Secretary of State, Auditor, Treasurer and Attorney-General constitute what is called the State Returning Board. They, or any two of them, within twenty days after every general election, must, in the presence of the Governor, canvass the election returns made by



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ILLINOIS UNIVERSITY, URBANA.

the several county clerks, so as to determine who has the highest number of votes for each office.

State Board of Equalization.—The board consists of one member, elected by the people, from each congressional district, and the Auditor of Public Accounts. The board meets annually at the State capital on the second Tuesday in August.

It is the duty of the board to examine the assessments of taxes from the different counties, and so to equalize them that no county shall be assessed too much or too little.

The members receive $5 a day for the time actually employed, and a mileage of ten cents for each mile of necessary travel. Their term is four years.

State Board of Agriculture.—The members of this board are a president, one vice-president from each congressional district in the State, and the last ex-president of the board. The board is elected on the State fair grounds on the first Wednesday of the fair, biennially in even numbered years, by delegates from the several counties. The delegates are appointed by the agricultural societies of their respective counties, or by the county board, if there be no such society in the county.

The board has charge of the State department of agriculture, and of the State fairs and stock shows.

Canal Commissioners.—The canal commissioners, three in number, are appointed by the Governor, with the consent of the Senate, for two years. They are to be "discreet and skillful persons," and have general control of the Illinois and Michigan canal, and the locks, dams and other improvements of the navigation of the Illinois and Little Wabash Rivers.

The treasurer gives a bond for $50,000, and the other members for $25,000. Each commissioner receives $5 a day for the time actually employed.

Railway and Warehouse Commission.—This board consists of three commissioners, appointed by the Governor, with the consent of the Senate, for two years. The commissioners examine into the condition of all railways and public warehouses in the State, and see that they are managed according to law, and for the accommodation and security of persons doing business with them.

Each commissioner gives a bond for $20,000, and receives a salary of $3,500 a year.

Grain Inspectors.—A chief grain inspector is appointed by the Governor, with the consent of the Senate, for two years. He has general supervision of the inspection of grain in warehouses, and acts under the advice and immediate direction of the railway and warehouse commission. He gives a bond for $50,000 and receives a salary fixed by the commission.

The chief grain inspector nominates a suitable number of persons for assistant inspectors, and the railway and warehouse commissioners are authorized to make such appointments and to fix the salaries of the assistants. The assistant inspectors give bonds for $5,000.

State Weigh-Masters.—In all cities where there is State inspection of grain, the railway and warehouse commissioners appoint a State weighing-master and such assistants as may be necessary.

The State weigh-master and his assistants have exclusive control of the weighing of grain and other property which may be subject to inspection. They also inspect the scales used in weighing such property.

The pay of the State weigh-master and his assistants is fixed by the railway and warehouse commission.

Commissioners of Public Charities.—The board of State commissioners of public charities consists of five members

appointed by the Governor, with the consent of the Senate, for five years.

The commissioners, or some one of them, must visit, at least twice a year, all the charitable and correctional institutions in the State. They make an annual report to the Governor, giving the results of their investigations and such suggestions as they may deem proper.

These commissioners give no bond, and receive no pay except traveling expenses.

Commissioners of Labor.—This board consists of five commissioners appointed by the Governor, with the consent of the Senate, for two years. Three of the Commissioners must be manual laborers, and the other two manufacturers or employers of labor in some productive industry. This board constitutes the "Bureau of Labor Statistics." The bureau collects statistics relating to labor and the laboring classes, and presents them in its biennial report to the General Assemblies.

The commissioners receive $5 a day for thirty days, annually, besides traveling, incidental and office expenses. They appoint a secretary at a salary of $1,200 a year.

Fish Commissioners.—These commissioners, three in number, are appointed by the Governor, with the consent of the Senate, for three years.

It is their duty to select suitable locations for State fish hatching and breeding establishments, to take measures for the propagation and increase of native food fishes, and for the introduction of new varieties of food fishes into the public waters of the State.

The commissioners may employ a fish culturist as superintendent of all fish establishments. They are allowed expenses not to exceed $300 per annum for the entire board.

Commissioners of State Library.—The Governor, Secretary of State, and State Superintendent of Public Instruction are, *ex officio,* commissioners of the State Library. The Secretary of State is librarian. This library is for the use of the State officers.

The above named officers are also trustees of the State historical library and natural history museum. The museum and library are now located at Springfield.

State Geologist.—This officer, who is also curator of the State historical library and natural history museum, is appointed by the board of trustees of the library and museum. His term of office is not defined by law.

It is his duty to make a geological survey of the State and to publish a report of his work, annually; also to collect a complete set of the specimens of the geology of Illinois. He receives as geologist and curator the sum of $2,000 a year.

Lincoln Homestead Trustees.—The Governor, Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction, constitute a board of trustees to hold in trust for the State of Illinois, the Lincoln homestead in Springfield. The public now have free access to the homestead.

Live Stock Commissioners.—A board of live stock commissioners, consisting of three practical stock breeders, is appointed by the Governor, with the consent of the Senate for three years.

It is the duty of this board to cause to be investigated all cases, real or alleged, that may come to its knowledge of contagious or infectious diseases among domestic animals. The board has power to quarantine all premises where disease exists, or has recently existed, together with all exposed premises. It has power to order the slaughter of all such animals as have been exposed to any contagious disease. The State Veterinarian and his assistants act under the direction of this board.

The board reports annually to the Governor a full statement of its transactions and expenditures, and recommends the payment of such damages for the slaughter of animals as it shall deem proper.

The members of the live stock commission receive their necessary traveling and incidental expenses.

Officers for the Prevention of Cruelty to Animals.—The Governor, with the consent of the Senate, appoints one officer in the town of Lake, in Cook county, one for East St. Louis, and one for Peoria, to enforce the law for the prevention of cruelty to animals. They are especially to see that stock in stock yards or at distilleries, breweries, or other places where stock is kept, are properly fed and cared for, and that stock receive the full amount of feed for which the owner or shipper is charged.

These officers report quarterly to the Governor. Their term is two years, and they receive salaries not to exceed $1,200 a year.

Inspectors of Coal Mines.—The Governor, upon the recommendation of a board of examiners selected by the bureau of labor statistics, appoints seven properly qualified persons to the offices of inspectors of coal mines. These inspectors devote their whole time to the inspection of coal mines, taking care that every necessary precaution is taken to insure the health and safety of miners.

The inspectors give bonds for $5,000, and receive salaries of $1,800 a year.

State Mining Board—For the purpose of securing efficiency in the mine inspection service, the State commissioners of labor appoint a State mining board of five members, whose duty it is to make formal inquiry into and pass upon the practical and technical qualifications and personal fitness of men seeking employment as State inspectors of mines, and

of those seeking certificates of competency as mine managers, hoisting engineers, and mine examiners.

The members of the State mining board serve two years, and receive $5 a day for not to exceed one hundred days in any one year.

State Horticultural Society.—This society embraces the northern, central, and southern district horticultural societies of this State. It is controlled by an executive board consisting of the president and secretary of the State society and the president and one vice-president of each district society. The board has the sole care and disposal of certain funds appropriated by the legislature for the promotion of the interests of gardening and tree culture in this State.

The board holds biennial meetings, and reports its transactions to the Governor.

Board of Pharmacy.—The Governor, with the consent of the Senate, appoints competent persons to constitute a board of pharmacy. The members of this board are recommended to the Governor by the Illinois Pharmaceutical Association, and must be persons of at least ten years' practical experience in the dispensing of physicians' prescriptions. They are appointed for five years.

It is the duty of this board to examine all applications made by persons who desire to become registered pharmacists, or registered assistant pharmacists, and to grant certificates of registration to such persons as are legally qualified to receive such certificates.

The board makes an annual report of its transactions to the Governor. The members choose one of their number president, and another secretary.

The secretary receives a salary fixed by the board. The other members receive $5 a day for the time actually employed. All receive necessary traveling and incidental expenses.

Commission of Claims.—The Governor, with the consent of the Senate, appoints three persons to serve four years as a commission of claims to adjust claims of various kinds against the State. They receive $15 a day for time actually employed.

Lincoln Monument Commissioner.—The Governor, Superintendent of Public Instruction and Treasurer constitute a board of commissioners for the custody, management and control of the Lincoln monument and its grounds, consisting of about nine acres, near Springfield.

State Board of Examiners of Horseshoers.—The Governor appoints four practicing horseshoers and a veterinary surgeon to constitute a State board of examination of horseshoers.

This board grants licenses to persons who are qualified to engage in the business of horseshoeing in this State under the law. The act creating this board applies only to cities of 50,000 inhabitants and over, but may be adopted by all cities and towns of 10,000 inhabitants or over. The members of the board receive $5 a day for time actually expended.

Board of Examiners of Dental Surgeons.—The Governor appoints five practicing dentists to constitute this board. They serve five years, and have charge of the registration and licensing of persons practicing dentistry in this State. The members of the board receive $5 a day for their necessary services.

State Board of Examiners of Architects.—By virtue of an act of 1897 the Governor, by and with the advice and consent of the Senate, appoints a State board of examiners of architects, consisting of five members, one of whom must be a member of the faculty of the Illinois State University; the others must be residents of this State who have practiced architecture for at least ten years.

This board examines and grants licenses to persons for the practice of architecture in Illinois. They appoint a secretary who receives not to exceed $1,500 a year. The members of the board receive $10 a day and expenses for time actually expended in attending the meetings of the board. They serve four years.

State Architect.—The Governor, with the consent of the Senate, appoints a State architect of public buildings and improvements. He receives $5,000 a year.

State Board of Pardons.—A State board of pardons was created by the legislature in 1897. It consists of three members, not more than two of whom shall belong to the same political party. The board holds four meetings a year at Springfield. Their duty is to hear all applications for the pardons of persons convicted of crime, and to report their conclusions and recommendations to the Governor.

The members of the board of pardons are appointed by the Governor, by and with the consent and advice of the Senate, for a term of three years. They appoint a clerk. Each member of the board and the clerk receives $2,000 per year.

State Board of Arbitration.—This board consists of three members, not more than two of whom belong to the same political party. They are appointed by the Governor with the advice and consent of the Senate, and serve three years. Each receives $1,500 per year.

The purpose of the board is that it may act as a board of arbitration and conciliation whenever any controversy or difficulty, not involving questions which may be settled by the courts in the usual manner, exists between a person, partnership or corporation, employing not less than twenty-five persons, and his employes in this State. The action of the board is not legally binding upon the parties involved in the

controversy unless they join in an application for the board to arbitrate the matter in question. In cases of strikes and lockouts, threatened or actual, the board endeavors to bring about an amicable settlement.

State Food Commissioner.—The office of State food commissioner was created in 1899. It is the duty of this officer to enforce all laws regarding the production, manufacture or sale of dairy products, or regarding the adulteration of any article of food.

The food commissioner is appointed by the governor, with the consent of the Senate, for two years. He receives a salary of $2,500 a year.

OFFICERS APPOINTED BY THE GOVERNOR.

State Veterinarian.—The Governor appoints a State veterinarian who acts under the direction of the live stock commission. He may, with the consent of the commission, appoint as many assistants as may be necessary.

The State veterinarian receives $8 a day for the time actually employed, together with all necessary traveling expenses.

Chicago Justices of the Peace.—The Governor, with the consent of the Senate, appoints forty-eight justices of the peace for the city of Chicago. These have the same duties and pay as other justices of the peace. They are appointed upon the recommendation of the judges of the circuit, superior and county courts of Cook County.

Notaries Public.—The Governor, with the consent of the Senate, may appoint as many notaries public as he may deem necessary, but no person can be appointed except upon petition of at least fifty legal voters of the city, village, town or precinct for which he is appointed.

Notaries public are appointed for four years. They have authority to administer oaths, take depositions, take acknowledgment of such instruments as deeds and mortgages.

A deposition is a written testimony of a witness sworn to before a proper officer. Depositions are received in courts as evidence.

Commissioner of Deeds.—The Governor of this State may appoint commissioners of deeds in other States, in the Territories and in foreign states. These commissioners have power to take acknowledgment of deeds and other instruments, and to take depositions. Their official acts have the same effect as if they had been done by an officer residing within the State.

Public Administrators.—The Governor, with the consent of the Senate, must appoint in each county of the State a public administrator, whose duty it is to act as administrator of the estates of deceased persons having no relative or creditor within the State who will act as administrator.

Superintendent of the Banking Department.—This officer is appointed by the Governor, with the consent of the Senate, for four years. The superintendent has general supervision of the savings banks of the State. He or his assistants examine every savings bank in the State at least once in two years. He receives detailed reports from the trustees of every savings bank on or before the first day of November, annually. It is his duty to make a statement to the legislature of the condition of every savings bank on or before the first day of February of each assembly year.

The superintendent of the banking department gives a bond for $10,000, and receives a salary of $2,000 a year.

State Entomologist.—This officer is appointed by the Governor, with the consent of the Senate, for two years. He is a competent and scientific person, and devotes his time

to investigating the entomology of Illinois, and particularly in studying the history of insects injurious to the gardener and the farmer. He collects and preserves a cabinet to be deposited with the University of Illinois.

The State entomologist prepares for publication an annual report of his researches and discoveries in entomology.

Printer Expert and Chief Grain Inspector.—These officers are appointed by the Governor. Their duties have already been given.

Insurance Superintendent.—In 1893 an Insurance Department of the State of Illinois was established by law. This department has general supervision over all insurance companies doing business in this State. The Governor, with the consent of the senate, appoints an Insurance Superintendent. He serves four years, and receives $3,500 per annum. His duties were formerly performed by the State Auditor.

State Factory Inspector.—The Governor appoints a factory inspector for a term of four years. It is his duty, together with his assistant and ten deputy inspectors, who are also appointed by the Governor, to visit and inspect, as often as practicable, the workshops, factories and manufacturing establishments where goods are made in this State. It is also the duty of the inspector to enforce the factory act, which, among other things, regulates the employment of children in such factories, and to prosecute all violations of the act in question.

State Game Commissioner.—The Governor appoints a State game commissioner, who serves during the incumbency of the Governor appointing him. It is his duty to enforce all laws for the protection of game in this State. He receives $2,500 a year, and appoints one game warden for each congressional district of the State.

THE STATE MILITIA.

Citizen Soldiers.—The militia, or, as it is sometimes called, the citizen soldiery of the State, consists of all able-bodied men residing within the State, who are between the ages of eighteen and forty-five. Certain persons, however, are exempted from military duty by the laws of the United States or of this State.

While all the able-bodied men, with a few exceptions, are liable to be called upon to bear arms, only those who have voluntarily formed themselves into organized companies and regiments are called out by the Governor so long as these are sufficient in number.

All officers of the militia are commissioned by the Governor. The Governor himself is commander-in-chief.

Adjutant-General.—The chief officer of the militia, next to the commander-in-chief, is the adjutant-general. The Governor issues his orders to the militia through the adjutant-general. His pay is $3,000 a year.

ILLINOIS CENTRAL RAILROAD.

Authorized by Congress.—In 1850, through the efforts of Stephen A. Douglas, a bill was passed by congress granting to the State of Illinois the right of way through the public lands for the construction of the Illinois Central railroad. This road was to extend from the southern terminus of the Illinois and Michigan canal to a point at or near the junction of the Ohio and Mississippi Rivers, with a branch to Chicago, and another by way of Galena, in Illinois, to Dubuque, in Iowa.

To aid in the construction of the railroad, congress also gave to the State every alternate section of land designated by even numbers, for six sections in width on each side of the road and its branches.

The road was to be completed within ten years from the passage of the act granting the right of way and the public land.

Charter from the State.—In 1851 the General Assembly of the State gave to a corporation known as the Illinois Central Railroad Company, a deed of trust for all the lands received from Congress, on the condition that the company should build the road and its branches within a specified time, and pay into the State treasury on the first Monday of December and June of each year seven per cent of the gross earnings of the company. The first payment was to be made in four and six years on the road and its branches respectively, or when completed, if before the times named.

This railroad brought about an immediate settlement of the State, and the semi-annual income derived from it has made State taxes comparatively light, and has enabled us to free our State from debt.

The annual income from this railroad is about $400,000.

The new constitution provides that the Illinois Central Railroad shall never be in any way released from its obligations to the State, and that, after the State debt is paid, the money received from it shall be used only for the ordinary expenses of the State.

ILLINOIS AND MICHIGAN CANAL.

Authorized by Congress.—In the year 1822 Congress granted to the State of Illinois for the purpose of joining the Illinois River and the head of Lake Michigan, the right of way for the construction of the Illinois and Michigan canal. About the time the grant was made, a survey of the route was made by engineers employed by the State. It was estimated that the canal would cost $640,000.

In 1827 another act was passed by Congress granting to the State of Illinois the alternate sections of the public

lands for five miles on each side of the canal and along its entire route. The canal was to be begun within five years and completed within twenty years.

Legislative Acts.—In 1825 a company was incorporated by the State legislature for the purpose of constructing the canal, but sufficient stock was not subscribed. In 1829 an attempt was made to begin the work under a new law, but with little success. A new survey of the route was made and some of the land of the grant of 1827 was sold. Chicago and Ottawa were laid out at this time. A subsequent attempt to raise the necessary funds by a loan upon the pledge of the canal lands proved a failure. Finally, in 1835, a loan of half a million dollars upon the credit of the State was effected, and the real beginning of the construction of the canal was made in the summer of the next year. A little later a loan of $4,000,000 was authorized for the completion of the canal. It is 102 miles long, and cost $8,654,337.

CONGRESSIONAL DISTRICTS OF ILLINOIS.

(Census, 1890.)

First.—The towns of Rich, Bloom, Orland, Bremen, Thornton, Calumet and Worth, in Cook County, and the fourth ward east of the center line of Wentworth avenue, the third ward, the thirty-first ward, the thirty-second ward, the thirty-third ward and the thirty-fourth ward, in Chicago.

Second.—The towns of Lemont, Palos, Lyons, Proviso, Riverside, Cicero, Leyden, Norwood Park, Maine, Elk Grove, Schaumburg and Hanover, in Cook County, and the tenth, twenty-eighth, twenty-ninth and thirtieth wards of the City of Chicago.

Third.—First, second, fifth, sixth, seventh wards, and that part of the fourth ward west of the center line of Wentworth avenue, all in the City of Chicago.

Fourth.—Eighth, ninth, twelfth and nineteenth wards of the City of Chicago.

Fifth.—Eleventh, thirteenth, sixteenth, eighteenth and seventeenth wards of the City of Chicago.

Sixth.—Twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth wards, also that part of the twenty-fifth ward south of the center line of Diversey street and west of the center line of Halsted street, and that part of the twenty-sixth ward south of the center line of Belmont avenue, all in the City of Chicago.

Seventh.—Fourteenth, fifteenth and twenty-seventh wards, the twenty-fifth ward, except that part south of the center line of Diversey street and west of the center line of Halsted street; that part of the twenty-sixth ward north of the center line of Belmont avenue, in the City of Chicago; also the towns of Evanston, Niles, New Trier, Northfield, Wheeling, Palatine and Barrington, in Cook County, and the County of Lake.

Eighth.—McHenry, De Kalb, Kane, Du Page, Kendall and Grundy Counties.

Ninth.—Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Ogle and Lee Counties.

Tenth.—Whiteside, Rock Island, Mercer, Henry, Knox and Stark.

Eleventh.—Bureau, LaSalle, Livingston and Woodford.

Twelfth.—Will, Kankakee, Iroquois and Vermilion.

Thirteenth.—Ford, McLean, DeWitt, Piatt, Champaign and Douglas.

Fourteenth.—Putnam, Marshall, Peoria, Fulton, Tazewell and Mason.

Fifteenth.—Henderson, Warren, Hancock, McDonough, Adams, Brown and Schuyler.

Sixteenth.—Cass, Morgan, Scott, Pike, Green, Macoupin, Calhoun and Jersey.

Seventeenth.—Menard, Logan, Sangamon, Macon and Christian.

Eighteenth.—Madison, Montgomery, Bond, Fayette, Shelby and Moultrie.

Nineteenth.—Coles, Edgar, Clark, Cumberland, Effingham, Jasper, Crawford, Richland and Lawrence.

Twentieth.—Clay, Jefferson, Wayne, Hamilton, Edwards, Wabash, Franklin, White, Gallatin and Hardin.

Twenty-first.—Marion, Clinton, Washington, St. Clair, Monroe, Randolph and Perry.

Twenty-second.—Jackson, Union, Alexander, Pulaski, Johnson, Williamson, Saline, Pope and Massac.

SENATORIAL DISTRICTS.

(Census, 1890.)

First.—The first and fifth wards and the second ward excepting that part lying south of the center line of Twenty-second street, and west of the center line of State street, in Chicago.

Second.—The twelfth ward and the whole of the tenth ward except that part south of the center line of West Twenty-first street and east of the center line of Campbell avenue, in Chicago.

Third.—That part of the town of Calumet in Cook County, lying outside of the City of Chicago, and all of the thirty-first, thirty-third and thirty-fourth wards, Chicago.

Fourth.—The twenty-ninth and thirtieth wards in Chicago.

Fifth.—Third, fourth and thirty-second wards and that part of the second ward south of the center line of Twenty-second street and west of the center line of State street in Chicago.



NORMAL SCHOOL AT CHARLESTON.

Sixth.—The twentieth ward and the twenty-sixth ward south of the town of Evanston, that part of the twenty-fifth ward north of the center line of Montrose boulevard and south of the town of Evanston, and that part of the fifteenth ward east of the center line of Western avenue in Chicago.

Seventh.—Towns Thornton, Bloom, Rich, Bremen, Orland, Lemont, Palos, Worth, Lyons, Riverside, Cicero, Proviso, Leyden, Norwood Park, Maine, Elk Grove, Schaumburg, Hanover, Barrington, Palatine, Wheeling, Northfield, New Trier, Evanston and Niles, in Cook County.

Eighth.—Lake, McHenry and Boone Counties.

Ninth.—Sixth ward, that part of the twenty-eighth ward between the center line of the Illinois and Michigan Canal and the center line of Thirty-ninth street, that part of the ninth ward south of the center line of West Sixteenth street, that part of the tenth ward south of the center line of West Twenty-first street and east of the center line of Campbell avenue, Chicago.

Tenth.—Winnebago and Ogle Counties.

Eleventh.—Fourteenth ward, that part of the fifteenth ward west of the center line of Western avenue, the twenty-eighth ward except that part lying between the center line of the Illinois and Michigan Canal and the center line of Thirty-ninth street, and the twenty-seventh ward, Chicago.

Twelfth.—Stephenson, Jo Daviess and Carroll Counties.

Thirteenth.—Seventh ward, the eighth ward and that part of the nineteenth ward bounded on the north by the center line of West Taylor street, on the east by the center line of Desplaines street, on the south by the center line of West Twelfth street, and on the west by the center line of Newberry avenue, Chicago.

Fourteenth.—Kane and Du Page Counties.

Fifteenth.—Nineteenth ward except that part bounded on the north by the center line of West Taylor street, on the east by the center line of Desplaines street, on the south by the center line of West Twelfth street, and on the west by the center line of Newberry avenue, that part of the eleventh ward south of the center line of Lake street, and that part of the ninth ward north of the center line of West Sixteenth street, Chicago.

Sixteenth.—Kankakee and Iroquois counties.

Seventeenth.—That part of eleventh ward north of the center line of West Lake street, and the seventeenth and eighteenth wards, Chicago.

Eighteenth.—Ford and Vermilion Counties.

Nineteenth.—Thirteenth ward and all of the sixteenth ward, except that part lying northeasterly of the center line of Milwaukee avenue and east of the center line of Noble street and south of the center line of West Division street and the north branch of the Chicago River, Chicago.

Twentieth.—Marshall, Woodford and Livingston Counties.

Twenty-first.—Twenty-first ward, the twenty-second ward and that part of the twenty-fifth ward south of the center line of Montrose boulevard, Chicago.

Twenty-second.—McLean County.

Twenty-third.—Twenty-third and twenty-fourth wards, and that part of the sixteenth ward lying northeasterly of the center line of Milwaukee avenue and east of the center line of Noble street and south of the center line of West Division street and the north branch of the Chicago River, Chicago.

Twenty-fourth.—Peoria County.

Twenty-fifth.—Will County.

Twenty-sixth.—Fulton and Tazewell.

Twenty-seventh.—La Salle.
Twenty-eighth.—Hancock, McDonough and Schuyler.
Twenty-ninth.—Lee, De Kalb, Kendall and Grundy.
Thirtieth.—Champaign, De Witt and Piatt.
Thirty-first.—Whiteside, Bureau, Putnam and Stark.
Thirty-second.—Cass, Menard, Mason and Logan.
Thirty-third.—Rock Island and Henry.
Thirty-fourth.—Pike, Scott and Morgan.
Thirty-fifth.—Knox, Warren, Henderson and Mercer.
Thirty-sixth.—Green and Macoupin.
Thirty-seventh.—Adams and Brown.
Thirty-eighth.—Montgomery, Bond and Fayette.
Thirty-ninth.—Sangamon.
Fortieth.—Douglas, Coles and Shelby.
Forty-first.—Macon, Christian and Moultrie.
Forty-second.—Clay, Marion, Clinton and Washington.
Forty-third.—Edgar, Clark, Cumberland and Effingham.
Forty-fourth.—Wabash, Edwards, White, Gallatin and Hardin.
Forty-fifth.—Jasper Crawford, Richland and Lawrence.
Forty-sixth.—Franklin, Jefferson, Wayne and Hamilton.
Forty-seventh.—Madison, Jersey and Calhoun.
Forty-eighth.—Monroe, Randolph, Perry and Jackson.
Forty-ninth.—St. Clair.
Fiftieth.—Williamson, Union and Alexander.
Fifty-first.—Pulaski, Massac, Johnson, Pope and Saline.

GRAND DIVISIONS OF THE SUPREME COURT.

Southern Grand Division.—Counties of Alexander, Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline,

St. Clair, Union, Wabash, Washington, Wayne, White and Williamson.

Central Grand Division.—Counties of Adams, Brown, Cass, Calhoun, Champaign, Christian, Clark, Coles, Cumberland, De Witt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Jersey, Logan, Macon, Macoupin, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell and Vermilion.

Northern Grand Division.—Counties of Boone, Bureau, Carroll, Cook, De Kalb, Du Page, Grundy, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Marshall, McHenry, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, Winnebago and Woodford.

ELECTION DISTRICTS OF SUPREME COURT.

First District.—Counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski and Massac.

Second District.—Counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun and Christian.

Third District.—The counties of Sangamon, Macon, Logan, De Witt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

Fourth District.—The counties of Fulton McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

Fifth District.—Counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, La Salle, Grundy and Woodford.

Sixth District.—Counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, De Kalb, Lee, Ogle and Rock Island.

Seventh District.—Counties of Lake, Cook, Will, Kankakee and Du Page.

APPELLATE COURT DISTRICT.

First District.—Cook County.

Second District.—The counties embraced in the northern grand division of the supreme court, excepting Cook County.

Third District.—The counties embraced within the central grand division of the supreme court.

Fourth District.—The counties embraced within the southern grand division of the supreme court.

CIRCUIT COURTS.

First Circuit.—Counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.

Second Circuit.—Counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.

Third Circuit.—Counties of Randolph, Monroe, St. Clair, Madison, Bond, Washington and Perry.

Fourth Circuit.—Counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

Fifth Circuit.—Counties of Vermilion, Edgar, Clark, Cumberland and Coles.

Sixth Circuit.—Counties of Champaign, Douglas, Moultrie, Macon, De Witt and Piatt.

Seventh Circuit.—Counties of Sangamon, Macoupin, Morgan, Scott, Green and Jersey.

Eighth Circuit.—Counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun and Menard.

Ninth Circuit.—Counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton.

Tenth Circuit.—Counties of Peoria, Marshall, Putnam, Stark and Tazewell.

Eleventh Circuit.—Counties of McLean, Livingston, Logan, Ford and Woodford.

Twelfth Circuit.—Counties of Will, Kankakee and Iroquois.

Thirteenth Circuit.—Counties of Bureau, La Salle and Grundy.

Fourteenth Circuit.—Counties of Rock Island, Mercer, Whiteside and Henry.

Fifteenth Circuit.—Counties of Jo Daviess, Stephenson, Carroll, Ogle and Lee.

Sixteenth Circuit.—Counties of Kane, Du Page, De Kalb and Kendall.

Seventeenth Circuit.—Counties of Winnebago, Boone, McHenry and Lake.

There is also a circuit in Cook County.

CHAPTER IX.

NATIONAL GOVERNMENT.

HISTORICAL SKETCH.

Declaration of Independence.—July 4, 1776, the date of the adoption of the Declaration of Independence, may be regarded as the beginning of our national existence.

In this connection, review the United States history sufficiently to understand the need and the nature of the Declaration of Independence.

Articles of Confederation.—Immediately after the Declaration of Independence, a plan was proposed for the union of the States. This plan, however, was not adopted.

In 1777, the Articles of Confederation were agreed to by Congress, and were to be in force when ratified by all of the States. Ten States ratified them the next year, but the remaining States failed to do so promptly. Indeed, Maryland withheld her ratification till 1781, nearly five years after the Declaration of Independence, and about six months before the surrender of Cornwallis, which surrender practically closed the Revolutionary War.

The Articles of Confederation were faulty in many particulars. Congress consisted of one house, the members of which were chosen annually by the several States, and could be recalled at pleasure. Each State paid its own members, and had one vote, which was determined by a majority of its delegates. The vote of two-thirds of the States was necessary to authorize any important action. No provision was made for an Executive Department, nor for a Judiciary. So

that while Congress could declare war, it could not compel the States to furnish men and supplies. It could make peace, treaties and alliances, but any State could violate the provisions of these with impunity. It could apportion taxes among the States, but had no authority to levy and collect them. It could borrow money, but could not compel its repayment. It could coin money, but had no power to purchase the necessary gold and silver. It could appoint ambassadors, but could not pay even their expenses.

So insufficient were the Articles that a convention was called by Congress to meet at Philadelphia in May, 1787, for the express purpose of revising them. This convention was attended by delegates from every State but Rhode Island. Two of the three delegates from New York returned home before the final action was taken, leaving that State without a vote.

The Constitution.—The Articles were found to be faulty in theory as well as practice, and after considerable discussion, the convention decided to abandon them, and prepare a constitution on another plan. The result was the present constitution, agreed to September 15, 1787, and soon after reported to Congress together with a recommendation that it be submitted for ratification by convention held in the several States for that purpose. The constitution was submitted as recommended, and was ratified by eleven States in 1788. North Carolina ratified it in 1789, and Rhode Island in 1790. "Little Rhody" was practically forced into the Union. The other States were preparing to treat her as a foreign power, and to restrict her commerce by taxing goods imported from Rhode Island. When she entered the Union, she retained the old charter granted by Charles II. in 1663, and its abandonment in favor of a state constitution in 1842 led to Dorr's Rebellion.

The ratification of nine States was necessary to give effect to the constitution. It went into operation on the first Wednesday in March, 1789. As this was the fourth of March, the terms of the presidents begin on that day. On account of various delays, however, Washington was not inaugurated the first time until April 30, 1789.

LEGISLATIVE DEPARTMENT.

Congress.—The legislative power of the national government is vested in a congress which consists of two houses —the Senate and the House of Representatives.

House of Representatives.—The House of Representatives, or the "lower house," is composed of members elected by the people of the several States. The members are elected for two years.

Any person legally qualified to vote for members of the most numerous branch of his State legislature may vote for a representative in Congress. This implies that all States are to have more than one legislative branch, and, as representatives to Congress are elected by the people, the members of the most numerous branch of the State legislature are to be elected in the same manner. Each State prescribes the qualifications of voters for members of its legislature. From this it follows that by moving from one State to another a man may gain or lose the right to vote for representative in Congress.

No State has made the qualifications of voters for representative to be different from those of voters for State and local officers, so that, as a matter of fact, any legal voter in any State can vote for a representative in Congress.

Eligibility of Members.—Representatives must be at least twenty-five years of age.

No person can be a Representative who has not been for

seven years a citizen of the United States, and who is not, when elected, an inhabitant of the State from which he is chosen. He need not live in the district represented by him; but it is seldom that the people of a district elect a man from another part of their State. In Great Britain, on the other hand, it is common for the people to elect to the House of Commons a man who lives in quite another part of the country. Mr. Gladstone resided in Wales, but for many years sat for Midlothian, in Scotland.

A Representative need not remain an inhabitant of the State from which he is chosen.

No United States officer can be a member of the House of Representatives during his continuance in office.

States cannot add further restrictions upon eligibility.

By the conditions of the fourteenth amendment, adopted in 1868, no person can be a Senator or Representative who, having previously taken an oath as an officer of the United States or as a State officer to support the constitution of the United States, shall have engaged in rebellion against the United States, or given aid and comfort to their enemies, unless Congress, by a vote of two-thirds of each house, remove such disability. Congress has removed this disability in nearly all cases.

In case a State should be added by conquest or purchase, its inhabitants becoming citizens immediately, the requirement of seven years' citizenship of the United States would not be necessary, as each State is, by another provision, entitled to at least one Representative.

Each territory has one Representative. He may speak upon any question relating to his territory, but he has no vote.

Congressional Apportionments.—After the taking of the census every ten years, Congress determines how many

members of the House of Representatives there shall be for the ensuing ten years. At present there are three hundred fifty-seven.

The number representing the population of the United States is divided by the number of representatives, and the quotient shows the number of people entitled to one representative. The number is called the "Congressional ratio." The number representing the population of each State is then divided by the congressional ratio, and the quotient gives the number of representatives to which the State is entitled. The State is then divided by its legislature into as many congressional districts as there are representatives to be elected in that State, and each district chooses one representative.

It is evident that by dividing the number representing the population of each State by the congressional ratio, fractions will occur in nearly every case, and that the sum of the integral quotients will be less than the required number. This is remedied by giving to the States having the largest fractions one additional representative each, until the required number are provided for.

What is the congressional ratio at present? To how many representatives is Illinois entitled? In what congressional district do you live? Who is representative from your district? When was he elected?

Prior to the abolition of slavery by the thirteenth amendment in 1865, the population of the States was obtained by counting all free persons, except Indians not taxed, and three-fifths of the slaves. This plan was adopted as a compromise between the delegates from the Northern and Southern States in the constitutional convention. At that time all the States except Massachusetts held slaves, but slavery was dying out of all the Northern States. It seemed for a time

that the question of slavery would ruin all chances of a constitutional union, but concessions were made on both sides. The Northern States agreed to count three-fifths of the slaves in apportioning representatives, and the Southern States to count the slaves in the same manner in apportioning direct taxes. The Northern States agreed that Congress should not interfere with the bringing of slaves from Africa for twenty years, and that runaway slaves should be delivered up to their masters; the Southern, that a tax not to exceed ten dollars ($10) a head might be laid upon slaves so imported. Both compromises proved to be in favor of the Southern States.

The constitution proper does not mention slaves directly. They are spoken of as "three-fifths of all other persons," "such persons as any of the States now existing shall think proper to admit."

From the adoption of the fourteenth amendment in 1868, to that of the fifteenth in 1870, negroes were counted in apportioning representatives to the Southern States, if those States allowed male negroes who were twenty-one years of age, or over, to vote. If only white men voted, only white persons were counted.

Vacancies.—When a vacancy happens in the representation of any State, from the death, resignation, or expulsion from office of any member, or by his acceptance of an incompatible office, the Governor calls an election to fill such vacancy.

Officers.—The House of Representatives elects its Speaker and other officers.

The Speaker of the House is an officer of great importance. He is considered by many to rank next to the President in real political power. He appoints the committees of the House, and upon these committees the work of Congress

largely depends. He may vote on all questions, and is required to do so whenever his vote will decide the pending question, or when the vote is by ballot.

Upon two occasions the lower house has spent two months or upwards in electing a Speaker.

Besides the Speaker, the House has a clerk, sergeant-at-arms, door-keeper, postmaster, and chaplain.

Aside from his other duties, the clerk, who is usually an ex-member of Congress, calls the House to order at the beginning of the next Congress, and presides until a Speaker is elected.

The duties of the other officers may be inferred from their names. (See pp. 24-25.)

Impeachment.—The House of Representatives has the sole power of impeachment.

When charges of treason, bribery or other high crimes or misdemeanors are brought against an officer of the United States, a committee of the House is appointed to investigate them. If the commitee reports in favor of his impeachment, the different charges, having been reduced to writing, are discussed and voted upon separately. If the House, by a majority vote, decides upon impeachment, the charges, or articles of impeachment, are sent to the Senate, and a committee is appointed to prosecute the impeachment before that body. The trial of impeachment will be treated of in another place.

Bills for Revenue.—All bills for raising revenue must originate in the House of Representatives. The Senate, however, may propose or concur with amendments, as in other cases.

This provision regarding bills for raising revenue was made because the members of the House are the direct representatives of the people who pay taxes, and who therefore wish to control the public purse.

Senate.—The Senate is composed of two senators chosen from each State. They are elected by the legislatures of the several States, and are in office six years.

The times, places and manner of holding elections for senators and representatives, are prescribed by the several State legislatures. But Congress may, at any time, make or alter such regulations except as to the places of choosing senators. Were it not for this exception, Congress could practically decide upon the location of the several State capitals.

Senators Chosen, How.—The manner in which senators are elected was prescribed by Congress in an act passed in 1866. The legislature of each State, chosen next preceding the expiration of the time for which any senator is elected, on the second Tuesday after its meeting and organization, proceed to elect a senator.

Each house names a person for senator by a *viva voce* vote; the next day at noon, the two houses meet in joint assembly, and if the same person has received a majority of all the votes in each house, he is declared duly elected.

If no person has received such majorities, the joint assembly chooses by a *viva voce* vote; and whoever receives a majority of all the votes cast, a majority of each house being present, is declared elected.

If no person is elected on the first day, the joint assembly convenes each day at twelve o'clock, and takes at least one vote each day during the session, or until a senator is elected.

If a vacancy exists when the legislature meets, the same steps are taken; and if a vacancy occurs during the session of the legislature, they proceed to elect on the second Tuesday after they have received notice of the vacancy.

The Governor of the State certifies the election of a senator to the President of the United States. In case of a

vacancy occurring during a recess of the legislature, the Governor may make a temporary appointment to fill the vacancy. The temporary appointment expires when the legislature has chosen a person to the vacant senatorship; and in case the legislature at its next session after the appointment by the Governor should fail to elect a senator, then the temporary incumbent would cease to be a senator at the end of such session of the legislature, and the office would remain vacant until duly filled by the legislature. If a legislature fails to elect, having had an opportunity to do so, the Governor cannot thereafter fill the vacancy or renew a previous temporary appointment. This point has been so decided by the Senate.

When the senators assembled for the first time, they were divided as equally as possible into three classes. Those of the first class served two years; of the second class, four years; and of the third class, six years; so that since that time one-third of the senators have been chosen every two years.

In the constitutional convention, the question of representation in Congress gave rise to long and bitter discussion. The large States wanted representation in both houses to depend upon population; the small States wanted an equal representation of the States in both houses. They finally compromised by allowing the representation in the House to be determined by population, while equal representation was given in the Senate.

Each senator has one vote, that is, the senators do not vote by States. Senators from the same State may, and frequently do, vote upon opposite sides of a particular question.

Who are the present senators from Illinois?

Eligibility of Senators.—No person can be a senator who has not attained the age of thirty years and been nine years a citizen of the United States, and who is not, when elected, an inhabitant of the State from which he is chosen.

In 1849 James Shields was elected to the Senate from Illinois, but was declared to be ineligible by reason of insufficient citizenship.

No officer of the United States can be a senator during his continuance in office.

It is not necessary for a senator to reside in the State during his term of office.

Senators are "congressmen" and "members of congress" just as truly as are the representatives, although these terms are often erroneously limited to the members of the House of Representatives.

Officers.—The Vice-President of the United States is President of the Senate, and has a vote only in case of a tie. The Senate chooses its other officers, consisting of a president *pro tempore,* secretary, chief clerk, executive clerk, sergeant-at-arms, door-keeper, and chaplain.

While there is an actual Vice-President, the president *pro tempore* is chosen temporarily to preside in the absence of the former. But when the office of Vice-President becomes vacant, the president *pro tempore* is chosen permanently and receives the same salary as was paid to the Vice-President.

Trial of Impeachments.—The Senate has the sole power to try all impeachments.

When sitting for this purpose, the senators are on oath or affirmation; and when the President of the United States is tried, the Chief Justice presides, as the Vice-President is interested in the result.

Judgment in cases of impeachment can extend only to removal from office and disqualification to hold any office of

honor, trust or profit under the United States. A two-thirds vote of the members present is necessary to conviction, and removal from office is a necessary consequence of conviction in case of impeachment. The disqualification to hold office may, or may not, be added. The person so convicted may also be tried and punished according to law. The President has no power to grant pardon in cases of impeachment.

There have been seven cases of impeachment: William Blount, United States Senator from Tennessee, in 1795; John Pickering, Judge of the District Court of New Hampshire, in 1803; Samuel Chase, Judge of the Supreme Court, in 1804; James H. Peck, Judge of District Court of Missouri, in 1830; West H. Humphries, District Judge of Tennessee, in 1862; Andrew Johnson, President of the United States, in 1868; and William W. Belknap, Secretary of War, in 1876. Judges Pickering and Humphries were convicted; the former was removed from office, and the latter was also disqualified from holding any office of honor, trust, or profit under the United States.

It will be seen that in matters of impeachment the part taken by the House of Representatives is, at first, similar to that taken by a grand jury, the articles of impeachment being of the nature of an indictment. (See p. 43.) After the impeachment reaches the Senate, the House, through five of its members, called managers, conducts the prosecution in much the same manner as a criminal case is conducted by a prosecuting attorney. Throughout the trial the Senate sits with open doors, but after the evidence and arguments are in, the doors are closed and the Senate deliberates in secret session in much the same manner as an ordinary jury.

Executive Powers.—The executive powers of the Senate will be discussed under the Executive Department.

Meetings of Congress.—Congress meets each year on the first Monday in December. It may by law appoint a different day, but at least one meeting must be held each year. It should be noted that all the members of the lower house are elected every two years, the election occurring in the month of November. The members elect do not take their seats, however, in regular session until the first Monday in December *of the following year.* This is one of the most serious defects in what may be called the machinery of our National government.

The terms of the members elect begin on the fourth day of March next following the election, but, in the absence of an extra session called by the President, the Congress of which they are members does not convene until December.

Extra sessions of Congress or of either house, may be called by the President upon extraordinary occasions.

Membership.—Each house is the judge of the elections, returns, and qualifications of its own members.

Each house has a committee on elections, to whom all contested cases are referred, the house itself acting upon the report of the committee when it is rendered. The decision of the house is final. (See p. 22.)

Quorum.—A majority of either house constitutes a quorum to do business. A smaller number may adjourn from day to day, and are authorized to compel the attendance of absent members.

What number now constitutes a quorum in the Senate? In the House?

In England 40 members of the House of Commons constitute a quorum, although that body consists of 670 members.

Rules.—Each house determines the rules of its proceedings, has power to punish its members for disorderly conduct and, by a concurrence of two-thirds, may expel a member.

In 1863 Jesse D. Bright, senator from Indiana, was expelled from the Senate, for having expressed sympathy for the Rebellion in a private letter which was afterwards published. The House has repeatedly punished and expelled members.

Journals.—Each house keeps a journal of its proceedings. These journals are published from time to time, except such parts as, in the judgment of the respective houses, require secrecy.

Yeas and Nays.—In either house, at the request of one-fifth of those present, the yeas and nays upon any question are entered on the journal.

The opponents of a pending measure sometimes attempt to defeat or at least to delay it beyond the session by making dilatory or trivial motions, such as motions to adjourn, and then calling for the yeas and nays upon all such motions. This practice is called "filibustering."

Adjournments.—During the session of Congress, neither house can, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses are sitting. In case of disagreement between the two houses as to the time of adjournment, the President may adjourn them to such time as he may think proper.

Pay of Members.—The compensation of members of Congress is fixed by law, and is paid out of the treasury of the United States. Senators and Representatives receive $5,000 per annum. The Speaker of the House, and the President *pro tempore* of the Senate receive $8,000 per annum.

Members of the English Parliament receive no pay whatever.

Privileges of Members. — In all cases except treason, felony, and breach of the peace, members of Congress are privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from them. They cannot be questioned in any other place for any speech or debate made in either house. (See page 21.)

Disabilities of Members.—No senator, or representative can, during the time for which he is elected, be appointed to any civil office of the United States which may be created, or the emoluments of which may be increased, during such time.

This provision prevents the President from rewarding members who support measures in which he is interested by appointing them to offices created or made more lucrative during their terms of service. The intention is to keep the executive and legislative departments as distinct as possible.

Oath of Members.—Senators and representatives, and the members of the several State legislatures, and all executive and judicial officers of the United States and of the several States are bound by oath, or affirmation, to support the constitution of the United States. No religious test can be required as a qualification to any office or public trust under the United States.

Powers and Duties of Congress.—The powers and duties of Congress are defined by the constitution. Nevertheless there has always been great diversity of opinion as to what the powers of Congress really are in several important particulars. The members of the convention which framed the constitution differed widely as to the powers that should be given Congress. Some were in favor of giving Congress very great power, while others were in favor of limiting its powers to the minimum. Since the adoption of the consti-

tution statesmen have divided upon the same lines, and the contest has been transferred from the making to the interpretation of that instrument. Those who favor an interpretation which tends to limit the powers of Congress are called "strict constructionists."

Taxes and Duties.—Congress has power to levy and collect taxes and duties to pay the debts and provide for the common defense and general welfare of the United States; but all such taxes and duties must be uniform throughout the United States.

The constitution contains also the words *imposts* and *excises* in this connection, but the laws of Congress use only the word *duties* for all indirect taxes. Indirect taxes are chiefly of two kinds: Duties upon imported goods, commonly called tariff taxes, and duties upon the production or use of certain articles of trade or instruments in writing, as tobacco, patent medicines, liquors, deeds, bank checks, etc., commonly called internal revenue.

Many cases before the Supreme Court of the United States have involved the question of what constitute direct taxes within the meaning of the constitution, which provides that when direct taxes are levied by the United States, they shall be apportioned among the several States in proportion to their respective population. It was decided in the famous Income Tax cases, in 1895, that there are three kinds of direct taxes: Capitation (or poll) taxes; taxes on property, whether real or personal, and taxes on incomes, whether from lands or personal property. This was a radical departure from the former decisions of the Supreme Court, in which it had been held that, within the meaning of the constitution, direct taxes were limited to capitation taxes and taxes on land.

The revenue law passed by Congress in 1894 provided for a tax on incomes. The rate provided was a 2 per cent. on

all incomes over $4,000, derived from property, salary, trade, etc., not including necessary expenses, taxes and interest. The constitutionality of this law was attacked in the cases above mentioned, and the court held it unconstitutional and void on the ground that taxes on incomes are direct taxes and so must be apportioned among the several States according to their population. The court was divided upon this point, the final vote upon it standing 5 judges against and 4 for the validity of the law.

Capitation taxes are taxes laid upon persons at so much a head, without regard to property.

Direct taxes have been levied by Congress only five times—the last in 1861. Incomes were taxed in support of the Union cause during the Rebellion, and such taxes were then treated as indirect taxes by the Supreme Court. It must be remembered that the terms *direct taxes* and *indirect taxes* do not mean the same in the constitution as in the discussion of questions in political economy. In the latter case, by direct taxes is meant those which will stay where they are put, that is, which cannot be added by the payer to the price of goods, or otherwise shifted so that they are ultimately paid by some one else; while by indirect taxes is meant those which can be so shifted.

The ordinary taxes levied by the State and local authorities are direct taxes within the meaning of the constitution as defined by the Supreme Court, but many of them may be shifted, and so are indirect within the meaning of political economy. Thus, the tax paid by a manufacturer upon the materials, machinery, buildings, etc., used by him in his business are counted as a part of the cost of production, and are included in the price for which the manufactured articles are sold. The same principle applies to merchants; the taxes which they pay as merchants upon their stocks are covered by the prices at which they sell their goods.

It has been the policy of the National government to raise its revenues, as a rule, by means of taxes which are indirect in every sense of the word, that is, indirect both in form and in fact. They are levied with the expectation that the person who pays them will reimburse himself in some way, and that they will ultimately fall upon some one else who will, as it were, pay them without knowing it. It is upon the subject of levying indirect tariff taxes upon imports that the doctrines of "protection" and of "tariff for revenue only" arise.

Taxes for State, county and other purposes paid by citizens of Illinois to the local tax collector are all direct in form, although, as we have seen, many of them are not so in fact.

Taxes may be collected to pay the public debt, and "to provide for the common defense and to promote the general welfare of the United States." The meaning and scope of this expression has been much discussed by statesmen, and has been a fruitful source of contention between the "strict constructionists" and their opponents.

Borrowing Money.—Congress may borrow money upon the credit of the United States. This may be done directly or indirectly.

When money is borrowed directly upon the credit of the United States, interest-bearing bonds are generally issued by the government. These bonds are purchased by persons who desire them.

At various times before the Civil War, Congress issued treasury notes and paid them to such of its creditors as were willing to take them. These notes were what are spoken of in the constitution as "bills of credit," and were promises to pay money on demand or at some future time. Some of them bore interest. None of these notes issued prior to 1862

were made legal tender, and persons were not compelled to accept them even from the government.

Greenbacks.—During the Civil War, Congress authorized various issues of treasury notes which were declared to be lawful money and a legal tender in payment of all debts, public and private, except duties on imports and interest on the public debt. Interest on the public debt was paid in coin and this could only be done by requiring tariff taxes to be paid in gold and silver, since the government could get gold and silver in no other way.

The people were compelled to take these legal tender notes, commonly called "greenbacks," in payment of debts due from the government, and thus were indirectly forced to loan the government the amount of these issues of greenbacks, or $450,000,000.

When the government stopped paying out gold and silver and issued in its stead legal tender notes, it was said that it had "suspended specie payments." The amount of greenbacks was afterward reduced to $346,681,016, and in 1879 the government again began to pay all its debts in gold and silver, or, as it was said, "resumed specie payments."

Commerce.—Congress has power to regulate commerce with foreign nations; also, among the several States and with the Indian tribes.

Under the Confederation, each State regulated the commerce of its people, not only among themselves, but with other States, and with foreign nations. This led to serious difficulties, and greatly hindered trade, on account of the lack of uniformity in the regulations of the different States, and of the constant change to which they were subject.

In pursuance of the power to regulate commerce with foreign nations, Congress passed the Embargo Act of 1807. At this time the United States were involved in difficulties

with England and France. The embargo was laid on all foreign vessels bound to a foreign port, from any port within the jurisdiction of the United States, thus compelling all such vessels to lay where they were until the embargo should be raised. This action was taken upon the assumption that American trade was so valuable and necessary to those countries that, rather than do without it, they would make terms with our government. The act failed of its purpose, however, and was repealed in 1809. It was followed by a non-importation act which forbade commercial intercourse with England and France.

The Inter-State commerce law was passed by virtue of power to regulate commerce among the States. This law was designed, among other things, to prevent unfair discriminations in the transportation facilities offered to persons and places; to prevent the giving of passes to persons supposed to possess influence valuable to railroads; to prevent unfair discriminations in passenger fares as between different places, and in freight charges, either in the form of special rates or in the form of rebates, and to require all charges to be an open and public matter.

Inter-State Commerce Commission.—To enforce this law Congress created the Inter-State Commerce Commission, consisting of three members, appointed by the President and the Senate. The members receive salaries of $7,500 each.

Anti-Trust Law.—In 1890 an act was passed by Congress for the purpose of protecting trade and commerce against unlawful restraints and monopolies. This is known as the "Anti-Trust Law." Like the Inter-State Commerce Act, it does not apply to commerce carried on exclusively within a State, but it declares every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with

foreign nations, illegal. The Circuit Courts of the United States are given jurisdiction over such cases.

Naturalization.—Congress has power to establish a uniform rule of naturalization.

By naturalization, an alien is made a citizen. In order to become naturalized, an alien must make, at least two years before his admission to citizenship, a declaration on oath, that it is his purpose to become a citizen of the United States and to announce all allegiance to any foreign prince or state. The clerk of the court before whom this is done makes a record of his declaration and gives him a certificate stating that it has been duly made. These proceedings by an alien constitute what is popularly known as "taking out his first papers." When he applies for admission to full citizenship, he must declare, upon oath, that he will support the constitution of the United States, and that he does renounce all allegiance to any foreign prince or state. The court before whom this is done must be satisfied, before admitting him, that he has resided five years within the United States, and one year in the State or Territory in which the court is held, and that he has behaved as a man of good moral character.

When a man's naturalization is completed, his wife and children under twenty-one years of age also become citizens. If a man die after having made his declaration and before he secures his "final papers," his widow and minor children can become citizens upon taking the necessary oaths.

The children of citizens of the United States, are considered citizens, though born abroad.

Bankruptcy.—Congress has power to establish uniform laws on the subject of bankruptcy throughout the United States.

When a person is unable to pay his debts, he is said to be insolvent. Upon his own petition, or that of one or more of

his creditors, he may go through proceedings of bankruptcy, by which he may be declared by the proper officer to be a bankrupt. He is then no longer liable for past debts, but may again accumulate and hold property in his own name.

Congress has passed four bankrupt laws—in 1800, 1840, 1867 and 1898, respectively. The first three were in force, in all, about sixteen years.

Coining Money.—Congress has power to coin money, and to regulate its value, together with that of foreign coin.

The metals used in coining money in the United States are gold, silver, copper and nickel. The coining is done by putting these metals into proper form and size, and giving to them the stamp of the government. This is done at the Mints and Branch Mints of the Government. The letters upon coins, as "S," "C C," are mint marks and show at what mints the coins were struck, as San Francisco, Carson City, etc.

To regulate the value of United States money is simply to determine the ratio of one metal to another, with reference to their weight in coins of equal value. Thus the ratio of silver and gold is now sixteen to one, that is, the silver dollar weighs substantially sixteen times as much as a gold dollar.

The value of foreign coins are regulated by Congress when it fixes the rate at which such coins will be received at the National treasury. This rate is governed by their bullion value, that is, their value as gold or silver irrespective of their form and stamp as money. Foreign coins are not legal tender in the United States.

Weights and Measures—Congress has power to fix the standards of weights and measures.

Some of the weights and measures in common use have been fixed upon by Congress; the others rest upon use and tradition. All were adopted from England. The National

government and that of each State has a complete set of weights and measures that have been adopted as standards. (See p. 42.)

The Metric System of weights and measures has been authorized by Congress, but is little used in this country except for scientific purposes.

Counterfeiting.—Congress has power to provide for the punishment of counterfeiting the securities and current coin of the United States.

The penalty for counterfeiting gold and silver coins is fixed at a fine not exceeding $5,000 and by imprisonment not exceeding ten years. For counterfeiting copper and nickel coins, the penalty is a fine not exceeding $1,000 and imprisonment not exceeding three years. The counterfeiting of the securities of the United States, including all bonds, coupons, national bank notes, greenbacks, etc., is punished by a fine not exceeding $5,000 and by imprisonment at hard labor, not exceeding fifteen years.

Post-Offices and Post-Roads.—Congress has power to establish post-offices and post-roads.

By virtue of this power, the Post-Office Department was established by Congress. It is under the charge of the Postmaster-General, who appoints, and may remove, all postmasters whose compensation is less than $1,000 a year. All other postmasters are appointed by the President, and confirmed by the Senate. The compensation of the former class is derived from the renting of boxes, a percentage on the sale of stamps and other receipts of the offices; the latter class receive salaries.

Copyrights and Patents.—Congress has power to promote the progress of science and the useful arts by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

The exclusive rights of authors are secured by copyrights; of inventors, by patents. The former are issued by the Librarian of Congress, and are valid for twenty-eight years; the latter, by the Commissioner of Patents, and are valid for seventeen years.

Inferior Courts.—Congress may constitute tribunals inferior to the Supreme Court. These will be discussed under the judicial department.

Piracy.—Congress has power to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

Robbery at sea is termed piracy. The expression *high seas* is a general term for the ocean, including coast waters beyond low-water mark. The law of nations consists of a body of rules, founded upon justice, and recognized as governing the conduct and mutual relations of independent States with one another.

Power to Declare War.—Congress has power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

In 1812 Congress passed an act declaring war against Great Britain. This is the only case in which war has been declared directly by Congress. In 1846 it passed an act which recited in its preamble that, by the act of the Republic of Mexico, a state of war existed between that government and the United States. A similar action was taken in 1898 regarding our war with Spain.

A rebellion, or civil war, is not a war in the sense in which the word is used in the constitution and in international law. War, in this wide sense, can exist only between nations. Therefore there was no declaration of war against the South in case of the Rebellion.

Letters of marque and reprisal authorize a private person to cross the boundary into the enemy's country, and to seize the persons or property of its subjects. When these letters are granted to the commander of a private vessel, the vessel becomes a privateer, and her crew may commit acts which before would have been piracy.

United States Army.—Congress has power to raise and support armies; but no appropriation of money for this purpose can be for a longer term than two years.

All of the representatives and one-third of the senators are chosen every two years. The people and the States which elect them can virtually control the army through the appropriation for its support.

The men who framed the constitution looked upon a large standing army as a menace to a free people, and so took this step to prevent the President or Congress, or both, from maintaining a large army in time of peace, or from carrying on a foreign war against the will of the people. This is the only matter in which the power of Congress is curtailed in this manner. The policy of the National government has always been in harmony with this provision. At the close of the Civil War the great army of the Union was at once disbanded, and the soldiers returned to the pursuits of peace with a promptness which astonished the governments of the old world.

United States Navy.—Congress has power to provide and maintain a navy.

Although our navy has always been relatively small, it has distinguished itself in our wars by many brilliant victories. A fair-sized navy, well equipped, seems to be ample for all our needs. The two years' restriction upon appropriations for the army does not apply to the navy.

Rules for Army and Navy.—Congress makes rules for the government and regulation of land and naval forces.

The rules for the army and navy are enforced by courts-martial.

The Militia.—Congress provides for the calling forth of the militia to execute the laws of the Union, suppress insurrections, and repel invasions; also, for the organizing, arming and disciplining of the militia, and for governing such part of them as may be employed in the service of the United States. The appointment of officers, and the authority of training the militia according to the discipline prescribed by Congress is reserved to the States respectively.

The militia, or citizen soldiers, are called out only in cases of emergency. In 1794 and 1861-4, the militia were called out to suppress the Whisky Insurrection and the Rebellion respectively. In 1812, they were called out to repel the invasion of the British. While in active service of the United States, the militia are paid the same as the regular soldiers and are subject to the same discipline.

In the war with Spain the militia, as such, was not called into service. But many organizations of militia entered the United States service, in a body, as volunteers.

District of Columbia. — Congress exercises exclusive jurisdiction over the District of Columbia, and over all places purchased by the consent of the several States for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

The District of Columbia is in reality a Territory of the United States, although it is not governed in the same manner as the other Territories.

The District is now governed by a board of three commissioners, two of whom are appointed by the President and Senate and serve three years; the third is an officer of the

Engineers of the army detailed to this duty by the President. There are no elections of any kind by the people of the District, they being wholly without political rights. The expenses of local government are paid one-half by Congress and one-half by the property owners of the District, which comprises about seventy square miles, all lying upon the Maryland side of the Potomac. The District was originally ten miles square and lay in both Maryland and Virginia, but in 1846 the part on the right bank of the Potomac was deemed of no advantage to the National government, and was ceded back to Virginia.

Congress determines the time of choosing electors for President and Vice-President, and the day on which the electors give their votes, which day, however, must be the same throughout the United States.

Other Powers.—Congress also has power:

1. To declare the punishment of treason.

2. To dispose of, and make all needful rules respecting the territory or other property of the United States.

3. To propose amendments to the constitution.

4. To admit new States into the Union.

5. To regulate the appellate jurisdiction of the Supreme Court, and to determine where trial of crimes shall be held, when not committed within any State.

6. To prescribe, by general laws, the manner in which the public acts, records, and judicial proceedings of the several States shall be proved, and what shall be their effect.

Under this power Congress has provided the manner in which Acts of State legislatures, the records and judicial proceeding of State courts, and all records which may be kept in any public office of any State, not appertaining to a court, may be proved or admitted in any court or office in any other State; and when so proved, or "authenticated,"

such records have the same faith and credit given to them in every court and office within the United States as they have by law or usage in the courts or offices of the State from which they are taken. This applies to Territories of the United States, and to other countries, as well as to the several States.

7. To revise and control any State laws respecting the laying of duties on imports and exports.

8. To declare what officer shall act as President in case of the removal, death, resignation, or inability of both President and Vice-President; and,

9. To vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of departments.

The more important of these powers are discussed elsewhere.

Execution of Powers.—Congress has power to make all laws which may be necessary for carrying into execution the powers granted to it by the constitution, and all other powers vested by it in the government of the United States, or in any department or officer of the government.

Since the formation of the National government statesmen of the strict-constructionist type have contended that this provision should be confined to those powers which have been expressly given to Congress by the constitution, basing their argument upon the tenth amendment, which provides that the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people. Other statesmen have contended that many powers are necessarily implied which Congress must assume in order to carry out the intent of the constitution as expressed in its preamble, "to provide for the common defense" and "to promote the

general welfare." Struggles have taken place in Congress upon this issue in connection with the chartering of the United States Bank (1791 to 1832); the appropriation of money by Congress for the building of the Cumberland Road to connect the Mississippi Valley with the Atlantic seaboard, and for other internal improvements; the levying of tariff duties for the purpose of "protection" and not "for revenue only;" the annexation of Louisiana and other foreign territory, and various other questions of less importance.

Limitations of Power.—Certain limitations of the power of Congress are contained in the constitution and its amendments.

The Slave Trade.—The constitution provides that "the migration or importation of such persons as any of the States now existing shall think proper to admit" shall not be prohibited by Congress prior to 1808, but that a tax not exceeding ten dollars for each person might be imposed on such importation.

This provision refers to the importation of slaves. The tax authorized was never imposed, but importation was prohibited after January 1, 1808, and in 1820 Congress declared the slave trade to be piracy.

Habeas Corpus.—The privilege of the writ of *habeas corpus* cannot be suspended, except when in cases of rebellion or invasion, the public safety may require it.

A writ of *habeas corpus* has for its object the prevention of false or unjust imprisonment. By it the prisoner accused of crime is brought into court, and the cause of his imprisonment is investigated. The writ is also sometimes used to liberate persons confined in hospitals for the insane, or other places than prisons, and to obtain possession of children who are in the custody of persons not legally entitled to such custody.

This writ, like all others used at law, was formerly written in Latin and takes its name from the words *habeas corpus,* which were contained in the old writ, and which mean "you may have the body."

The writ of *habeas corpus* was suspended throughout the United States in case of deserters and other military offenders by authority of Congress in 1863. Prior to this, it had been suspended by the President in different portions of the country.

Ex Post Facto Laws.—No bill of attainder or *ex post facto* law can be passed.

A bill of attainder inflicts death or other punishment, without a judicial trial, and, in countries where it is allowed, is usually passed without giving the accused an opportunity of defending himself.

An *ex post facto* law is one which makes an act a crime which was not so when the act was committed, or which inflicts a punishment greater than that imposed when the crime was committed. The expression applies only to criminal laws.

Direct Taxes.—Capitation or other direct taxes can only be levied by Congress in proportion to population as shown by the census. This has been discussed under the head of "Powers of Congress."

Duty on Exports.—No duty can be laid on articles exported from any State.

If an export duty were laid the effect would be to increase the selling price of exported goods by a like amount, and thus make it more difficult for our people to compete with other traders in foreign markets.

Coasting Trade.—No preference can be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor can vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

When a vessel "enters" a port, the officer in charge reports the ship and cargo to an authorized officer of the port and obtains permission to land. When a vessel "clears," the officer in charge obtains written permission to sail from the port. All ships arriving from foreign ports must enter, and all ships sailing to such ports must clear; but our coasting trade is free from these requirements.

Expenditures.—No money can be drawn from the treasury, except in consequence of appropriations made by law; and a regular account of receipts and expenditures of all public money must be published from time to time.

The Secretary of the Treasury reports annually to Congress, giving a full account of receipts and expenditures.

This provision of the constitution is really a restriction upon the expenditure of money by the executive department, and gives Congress full control of the expenditures as well as of the raising of all revenues.

Titles of Nobility.—No title of nobility can be granted by the United States; nor can any person holding any office of profit or trust under them, without the consent of Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state.

Titles of nobility are out of harmony with a republican form of government. Even those framers of the constitution who most strongly favored the National Government, as against the rights reserved to the States, were opposed to any aristocratic distinctions in connection with the government or among the people.

In former times gifts which were of the nature either of bribes or of tribute passed between rulers and States. Such practices could not be tolerated by this country, and the constitution wisely put a restraint upon all gifts from foreign rulers or powers.

Civil Rights.—Congress can make no law abridging the freedom of speech, or of the press; or of the people peaceably to assemble and to petition the government for a redress of grievances; nor can the right of the people to bear arms be infringed.

These provisions are found among the first amendments to the Constitution, adopted in 1791. The demand for them by the people as a part of the supreme law of the land grew out of the experience of themselves and their forefathers with the English government.

It must be remembered that freedom of speech and of the press means simply the right to discuss all matters of public interest freely and fully; they do not involve a license to say anything, anywhere, and at any time, regardless of the truth or falsity of the thing said, and of the intent or purpose of its utterance.

The constitutional right of the people to bear arms does not give a citizen a license to habitually carry a revolver or other deadly weapon. This provision refers to the right of the people of the several States to organize and equip themselves as militia, so as not to be dependent upon the regular army of the Nation for the protection of their own affairs.

Religious Freedom.—Congress can make no law respecting the establishment, or prohibiting the free exercise of religion; nor can it require any religious test of any person as a qualification for the holding of any office.

EXECUTIVE DEPARTMENT.

President.—The executive power is vested in the President of the United States of America. He is chosen for four years.

It was the purpose of the convention which framed the constitution to make the Executive as independent of the

other departments as possible. And yet caution was observed lest the Executive, being free from restraint, might become autocratic and tyrannical. Some were in favor of making the Executive consist of two or three persons elected from different parts of the Union; but a large majority favored a single executive, and this was undoubtedly the wiser course.

How Chosen.—The President is chosen by electors, who are themselves chosen by the several States. They are chosen on Tuesday next after the first Monday in November.

Each State is entitled to as many electors as it has representatives and senators in Congress; and they are chosen in such manner as the State legislature may direct; but no senator or representative, or person holding an office of trust or profit under the United States can be appointed an elector. In Illinois, they are elected by the people of the State, voting by general ticket. In this way, each voter casts his ballot for the number of electors to which the State is entitled. These electors are put in nomination by the several political parties at their State or district conventions.

The electors of the several States meet at their respective State capitals on the second Monday in January, and vote separately for President and Vice-President, both of whom cannot be from the same State as the electors. They then make separate lists of all persons voted for as President and Vice-President, showing the number of votes for each. The lists are signed and certified and sent sealed to Washington, directed to the President of the Senate. On the second Wednesday in February, these lists are opened by the President of the Senate, in the presence of both houses of Congress, and the votes are counted. The person having the highest number of votes for President is declared President, and the person having the highest number of votes for Vice-President, is declared to be elected Vice-President; provided

that, in each case, the highest number of votes received is a majority of all the electors appointed. In case the highest number of votes for President is less than the required majority, the House of Representatives at once choose, by ballot, a President from the persons (not exceeding three of those voted for as President) having the highest numbers. In choosing the President, the votes are taken by States, each State having one vote. A quorum for this purpose consists of one or more members from two-thirds of the States, and a majority of all the States is necessary to a choice. If no person has the required majority of electoral votes for Vice-President, the Senate chooses, from the two highest numbers on the list, a Vice-President. A quorum for this purpose consists of two-thirds of the whole number of senators, and a majority of the whole number is necessary to a choice.

No person constitutionally ineligible to the office of President, is eligible to the office of Vice-President of the United States.

If the House of Representatives should fail to choose a President, whenever the right of choice falls upon them, before the fourth day of March next following, the Vice-President would act as President, as in case of the death or other constitutional disability of the President.

Electoral Count Bill.—The constitution makes no provision for cases in which there are two certificates of electoral votes from the same State.

In 1876 there were 369 electors and 185 were necessary to elect a President. Tilden and Hendricks received 184 votes, Hayes and Wheeler 164 votes, and four States—South Carolina, Florida, Louisiana and Oregon—having a total of 21 votes, returned two certificates each. It then became necessary to decide not only which were the legal returns from those States, but who should determine which were legal.

The matter created much discussion, which was carried on amidst great excitement. After much delay and debate, Congress referred all the cases to an Electoral Commission, consisting of fifteen members—five senators, five representatives and five justices of the Supreme Court. The cases were all decided by a vote of eight to seven in favor of Hayes and Wheeler, who were declared elected by an electoral vote of 185 to 184.

In 1887, Congress passed what is known as the Electoral Count Bill. The following are its leading provisions:

Each State may provide by law for the final determination, by judicial or other proceedings, of all cases of contest concerning the appointment of its electors. And if such provision be made by law prior to the day for appointing electors, and if all contests have been determined according to such law, at least six days before the time fixed for the meeting of the electors to cast their votes, such determination shall be conclusive, and shall govern the counting of the electoral votes so far as that State is concerned.

In case only one return is made by any State, no electoral votes which have been regularly given by electors whose appointments have been lawfully certified by the Governor can be rejected. But the two houses concurrently may reject the votes when they agree that they have not been regularly given by electors whose appointment has been legally certified.

In case more than one return is made by any State, only those votes shall be counted which have been regularly given by electors who are shown by the determination of the State tribunal to be duly appointed.

In case two or more returns from the same State claim to be thus determined by lawful tribunals, only the votes of those electors shall be counted whose title as electors the two

houses, acting separately, shall determine to be supported by the decision of the State rendered according to its laws.

In case two or more returns are made by the same State, and no lawful determination has been made in the State, only those votes can be counted which the two houses concurrently decide are the lawful votes of legally appointed electors. But if the two houses disagree with respect to the counting of the votes, the votes of the electors whose appointment is certified by the Governor of the State are counted.

The Electoral System.—Whatever may be the merits or demerits of the system by which the President is chosen by electors, it is certain that it does not realize the objects sought by the framers of the constitution. They wished to avoid the "heats and ferments" of elections of President by a popular vote, and also to make the President entirely independent of the body choosing him. The supposition was that under the system adopted, the electors would be free and untrammeled when they met to cast their votes, and that each would vote for the candidate who seemed to him to be best qualified, all things considered. But such has not been the case since 1796. In order to a full understanding of the system which now prevails it is necessary to consider two elements which exist without any provision of constitution or of law, but which really control the entire matter. They constitute the first two steps of the existing system.

National Conventions.—National nominating conventions are mere party measures, but they are governed by fixed rules which have grown up since 1832. Each party has a regular committee which calls its convention in a prescribed manner. The convention nominates party candidates for President and Vice-President and adopts a declaration of party principles called a "platform." The statement of

the platform upon a particular subject or issue of the campaign is called a "plank." The candidates nominated are expected to "stand squarely upon the platform."

State Electoral Ticket.—The State organization of every political party participating in the National election nominates two Electors-at-large—that is, chosen from the entire State—and an Elector from each Congressional district. The men thus nominated make up the Electoral ticket for that State, and are voted for as a portion of the party ticket at the ensuing election.

The Electors of the party which is successful in any State constitute what is called the "Electoral College" of that State, and from the time of their election are governed by the constitution, and the laws of their State and of Congress as hereinbefore given.

By means of this party machinery the Electors are pledged in advance to vote for a particular party candidate for President and also for Vice-President; and it is difficult to see how the "heat and ferment" of our National campaigns could be much greater under any other system of choosing a President.

Eligibility.—The President must be a natural born citizen of the United States, and at least thirty-five years of age.

The same is true of the Vice-President.

Residence abroad on official duty, as that of an ambassador or minister, is not a disqualification.

Presidential Succession.—In case of the removal of the President from office, or of his death, resignation, or inability to perform the duties of his office, the Vice-President, if there be one, takes the oath of office, and becomes President. If there should be no Vice-President, the duties of the President devolve upon the Secretary of State, and in case of his death, resignation, or removal from office, upon the Secre-

tary of the Treasury, and so on through the cabinet officers, the succession being in the order in which the offices were established by Congress; viz., Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, Secretary of the Interior. The law concerning the presidential succession applies only to such cabinet officers as have been appointed with the consent of the United States Senate, and such as are eligible to the office of President under the constitution.

Prior to 1886, the order of succession after the Vice-President was President *pro tempore* of the Senate, and Speaker of the House of Representatives. But it sometimes happens that these offices are both vacant at the same time, on account of the fact that one Congress ends on the fourth of March, and the next does not regularly meet and elect officers until the first Monday in the following December. On this account, chiefly, Congress changed the presidential succession to the members of the cabinet in the order indicated. By this arrangement, the successor to the presidency is sure to be of the same political party as his predecessor.

When a person becomes President without being elected directly to that office, he is called an "accidental" President. How many such Presidents have we had? Who were they? Whom did each succeed? How many years, in all, have they served?

When the office of President becomes vacant the Vice-President takes the oath of office and becomes President. But when a vacancy occurs in the office of Vice-President, it continues until the next presidential election. The President *pro tempore* of the Senate is a member of that body, and does not now succeed to the presidency, in case of a vacancy in that office.

Who is now President of the United States? When was he elected? Who is Vice-President? President *pro tempore* of the Senate? Speaker of the House of Representatives? Name the present cabinet officers. What is the political complexion of the present administration? Of the Senate? Of the House of Representatives?

Oath.—Before entering on the execution of his office, the President solemnly swears (or affirms) that he will faithfully execute the office of the President of the United States, and will, to the best of his ability, preserve, protect, and defend the constitution of the United States.

The constitution and laws merely fix the date and prescribe the oath to be taken in connection with the President's inauguration. It is customary for the President to deliver an inaugural address before taking the oath of office, and for the Chief Justice to administer the oath; but the address is not required of the President, and any magistrate who has power to administer oaths could lawfully act upon this occasion.

Commander-in-Chief.—The President is Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when they are called into the actual service of the United States. (See p. 41.)

The President has never taken command of the army or navy in person, but delegates his authority to officers whom he chooses for that purpose.

Although great authority is given the President in making him commander-in-chief of the army and navy, yet so many safeguards were provided in the constitution as a whole, that the President, were he so disposed, could not long use the military power of the country against the liberties of the people without the consent of Congress.

Reprieves and Pardons.—The President has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

The Supreme Court has held that the President may commute a sentence of death to imprisonment for life. (See p. 40.)

In cases of impeachment it was considered that the power to pardon would be liable to abuse, and for this reason a judgment in impeachment proceedings cannot be changed or set aside by any pardoning power. But the giving of a pardoning power to the executive in all other cases of offenses against the government is a wise and humane provision of the constitution.

Treaties.—The President has power, with the consent of the Senate, to make treaties.

A treaty is an agreement between two or more sovereign states.

When a treaty is made, the President acts through the Secretary of State, or an ambassador appointed for the purpose. This officer agrees with the representative of the other nation upon the terms of the treaty; and after it has been signed by the representatives of the two nations, it is submitted for the ratification of the respective governments. Accordingly, the President presents the treaty to the Senate for its ratification. While discussing a treaty, the Senate sits with closed doors. This is called "going into executive session." If two-thirds of the Senate present concur in the ratification of the treaty, and it is ratified by the other nation, the President, by proclamation, makes the treaty public, and it becomes a part of the supreme law of the land.

In the case of the war with Spain, the representatives of the two nations first signed a "protocol," or preliminary

agreement, according to which further negotiations were to be carried on until a final treaty should result.

Executive Appointments.—The President nominates, and, with the consent of the Senate, appoints ambassadors, other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States, that are not otherwise provided for.

Nominations made by the President are presented to the Senate in writing, and are acted upon by that body in "executive session." Only a majority is necessary to confirm appointments.

A minister of the government is a person who represents it, and manages its interests at the seat of government of some other power. A minister of the highest rank is called an ambassador.

A consul resides in a foreign country, and acts as agent for his government, protecting its rights, commerce, merchants, seamen, and its citizens while sojourning in such foreign country.

The constitution says nothing in regard to removals from office. The first Congress decided, by a close vote, that the President might remove an officer without consulting the Senate. In 1867, however, Congress passed what is known as the "Tenure of Office Bill," which provided that the President might suspend an officer, when the Senate was not in session, reporting his action with the reasons for it to the Senate within twenty days after its assembling. If the Senate should not concur, the suspended officer was to be reinstated; if it should concur in the removal, another person might be appointed. The bill was vetoed by President Johnson, and passed over his veto by Congress. The President afterward removed Edwin M. Stanton, Secretary of War, after the Senate had refused to concur in his suspension;

for this, chiefly, the House of Representatives brought articles of impeachment against the President. After a trial lasting nearly three months, the Senate found the President not guilty. The Tenure of Office Bill is not now in force.

While the Senate is in session the President can now remove an officer by nominating, and by and with the advice and consent of the Senate, appointing his successor. In such case the person appointed does not receive his commission, nor the incumbent vacate his office, until the nomination of the appointee has been confirmed. If the Senate is not in session, the President can remove an officer by appointing his successor, who at once receives his commission and begins the duties of the office. If, at its next session, the Senate refuses to confirm the nomination, the President nominates another person, but the removal stands in either case. When vacancies occur in the recess of Congress the procedure is the same as in the case of removals made in the recess.

In actual practice the expression "advice and consent of the Senate" is limited so as to mean "consent" merely.

The Civil Service.—The officers of the National government who are appointed pursuant to law, together with persons employed to perform routine duties in the various departments, constitute what is known as the Civil Service. Since the Civil War much has been said about "Civil Service Reform." The "civil service reformers" contend that all inferior officers and employes who perform routine duties should be appointed with sole reference to their fitness, and during good behavior. Since 1883 we have had what is called the "civil service law," which provides that positions in the departments, custom houses and the large postoffices shall be filled and promotions in cases of vacancies under the "merit system," the leading feature of which

is the competitive examination which all candidates must undergo. In the absence of the merit system, appointments have usually been made for reasons which take but little account of personal fitness. Sometimes appointments have been made to punish political enemies, sometimes to reward political friends, sometimes to promote personal ends, and usually to strengthen the party in power. In defending this practice on the part of the politicians of the State of New York, William L. Marcy, of that State, said in the United States Senate: "They [the politicians] see nothing wrong in the rule that to the victors belong the spoils of the enemy." Since then this practice has been known as the "spoils system."

The President's Message.—The President must, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he may deem necessary and expedient.

It has become the custom for the President to send a message to Congress at the beginning of each regular session. Accompanying this are the reports of the various executive departments. Special messages are sent by the President whenever he deems them expedient, or when Congress has requested information upon some subject.

Presidents Washington and Adams delivered their messages in person to both houses assembled in the Senate chamber, and each house afterwards presented a formal reply. President Jefferson, however, sent his messages to Congress, and they were read to each house by its clerk. All other Presidents have followed his example. No replies are now made by Congress.

President's Veto.—Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives is necessary (except on a question of adjourn-

ment) must be presented to the President, and before it can take effect, must be approved by him, or, being disapproved by him, must be re-passed by two-thirds of the Senate and House of Representatives. When a bill is passed by both houses, it is sent to the President for his signature. If he wishes the bill to become a law, he signs it, and so makes it a law. But if he does not wish it to become a law, he does not sign it, but sends it back to the house in which it first started. He sends with it his objections, which are written in the journal of this house, and the bill is again taken up. This time, in order to pass, it must receive the vote of two-thirds of this house; and, if it receives this vote, it is sent, together with the objections of the President, to the other house. A vote of two-thirds of this house makes it a law without the signature of the President.

In all such cases, the vote of each house must be by yeas and nays, and be entered upon the journal.

If the President does not return the bill within ten days (Sundays not counted) after it is sent to him, it becomes a law just as if he had signed it, unless Congress adjourns before the ten days are up, and so prevents its return.

The discussion about the President's veto applies to that of the Governor of Illinois, with two exceptions.

A vote of two-thirds of a *quroum* in each house of Congress will pass a bill over the President's veto, while in this State a vote of two-thirds of all the *members elected* to each house is necessary to pass a bill over the Governor's veto.

After the adjournment of Congress, all bills not signed by the President before the time of adjournment fail to become laws, although the President may have no objection to them. After the adjournment of our State legislature, the Governor has ten days in which to file bills, with his objections, in the office of the Secretary of State. All bills that

are not so filed become laws, whether signed by the Governor, or not.

Other Powers and Duties.—The President receives ambassadors and other public ministers, commissions all officers of the United States, and takes care that the laws are faithfully executed.

Executive Departments.—The executive business of the United States is arranged under eight departments. Nearly all of these departments are subdivided into bureaus.

The constitution does not prescribe the number, names nor functions of these departments.

Heads of Departments.—The heads of the departments are appointed by the President, and confirmed by the Senate.

The President may require their written opinion on any subject relating to the duties of their respective offices.

The salary of each is $8,000 a year.

Department of State.—The Department of State, at the head of which is the Secretary of State, has charge of our relations with foreign countries, and of the public archives.

The Secretary of State countersigns all proclamations issued by the President. He is keeper of the great seal of the United States, and affixes the seal to all commissions given by the President. He has charge of the correspondence with foreign ministers, and presents such ministers to the President. He has various other important duties.

The Department of State ranks first in point of dignity, and the Secretary of State is the head of the President's Cabinet. His office is usually regarded as next in importance to that of the President.

The Department of State has three bureaus.

The Diplomatic Bureau.—This bureau embraces all matters pertaining to our diplomatic relations with foreign powers. The diplomatic service is carried on by the Secretary

of State through our ministers, who are of five different ranks, as follows:

Ambassadors.—The office of ambassador, in its strictest sense, seems to have lapsed in this country.

Envoys Extraordinary and Ministers Plenipotentiary.—We send envoys extraordinary and ministers plenipotentiary to thirteen governments, but all are not of the same rank. Four, namely, those to Great Britain, the German Empire, France, and Russia, are of the first rank. Seven, namely, Mexico, Brazil, Spain, Italy, Austria, China, and Japan, are of the second rank. Two, namely, Chili and Peru, are of the third rank. The salaries of these ministers range from $10,000 to $17,500 a year, the latter sum being paid to all ministers of the first rank.

Ministers Resident.—We send ministers resident to Sweden, Norway, Belgium, Netherlands, Argentine Republic and Venezuela. These officers have salaries of $7,500 a year. We also send one minister resident to the Central American States, Guatemala, Costa Rica, Honduras, Salvador and Nicaragua, collectively. He receives $10,000 a year.

Charges d'Affaires.—These officers are sent to a few of the smaller countries. They receive $5,000 each. The difference between these various ministers largely results from the difference in rank of the countries to which they are sent. Their duties are largely the same.

Secretaries of Legation.—These officers are the clerks to the foreign embassies. A Secretary of Legation is usually sent to every government to which a Minister Plenipotentiary is accredited.

The Consular Bureau.—This bureau has charge of all matters pertaining to our consular service.

Consuls.—Consuls are not diplomatic, but rather commercial agents of our government. Their principal duty is

to watch over the interests of our commerce in the foreign ports to which they are sent, and to protect the rights of seamen. They also take possession of the personal property of American citizens who die abroad.

Consuls collect fees, but in most cases these are accounted for to the government, and the consuls receive salaries ranging from $1,000 to $6,000 a year. Those who receive salaries cannot transact any business for themselves.

The Domestic Bureau.—This bureau has charge of all matters of state which are purely of domestic concern.

Treasury Department.—Since the issuing of the paper money, called greenbacks, and the establishment of the national banking system, the importance of the Treasury Department has been largely increased. It is now the most complex and extensive of all the executive departments, and is under the charge of the Secretary of the Treasury. Immediately under the Secretary of the Treasury are the following officers: The Comptroller, the Auditor, the Treasurer, the Register, and the Assistant Secretary.

This department manages and superintends the collection of the public revenue, and issues warrants for money to be drawn from the treasury in pursuance of appropriations made by law, and in a general way has charge of the management of the finances of the Nation.

There are two bureaus in the office of Comptroller, and six bureaus in the office of the Auditor. And in addition to the officers named above, there is a Commissioner of Customs, a Commissioner of Internal Revenue, a Director of Statistics, a Director of the Mint, and a Director of the Bureau of Engraving and Printing.

There are first, second, third, fourth, fifth and sixth auditors, each of whom has charge of auditing the accounts of a branch of the public service. Thus the accounts of the

War Department are audited by the third auditor, those of the Navy Department by the fourth auditor.

There are two comptrollers of the treasury, the first and the second. They examine the accounts that have been passed upon by the auditors and certify them to the Register.

The Register is the book-keeper of the National government. His books show all receipts and expenditures.

The Treasurer receives and keeps all the moneys of the United States, and pays them out upon proper warrants.

The Commissioner of Customs supervises the collection of duties at the custom houses.

The Comptroller of the Currency has supervision of the circulation of national banks.

The Commissioner of Internal Revenue has charge of the collection of taxes upon tobacco, malt and spirituous liquors, and sees that all stamp taxes or duties upon written instruments, patent medicines, etc., are duly paid and the stamps canceled pursuant to law. The duties of the directors of the mint, bureau of statistics, and of the bureau of engraving and printing may be inferred from their titles.

The office of the Coast Survey, which has charge of the preparation of charts made from actual survey of the entire sea coast of the United States is connected with the Treasury Department; also, the Light House Board, which has the superintendence of light houses, beacons, buoys, etc., and sees to their construction.

Department of War.—The Secretary of War is at the head of this department. Under the President, he has charge of the affairs of the army. He has the custody of all records of the army; superintends the purchase of military supplies; directs matters of army transportation; oversees the work of the signal service and the improvement of rivers and harbors, and attends to the supply of arms and munitions of war.

The Military Academy at West Point is under the supervision of the War Department. To this academy are appointed cadets, there being one from each Congressional district, one from each territory, one from the District of Columbia, and ten from the United States at large. By law these appointments are all made by the President, but, practically, those from the Congressional districts are recommended by the respective representatives in Congress to the Secretary of War, who nominates them to the President. The selection is sometimes made by competitive examination. Cadets must be between the ages of seventeen and twenty-two, and must pledge themselves to serve eight years unless sooner discharged. The entire expense of the academy is paid by the National government.

The surveys of the great lakes is under the management of the War Department.

Department of Justice.—The Department of Justice, at the head of which is the Attorney-General, has general charge of the legal affairs of the Nation. The Attorney-General Prosecutes all suits in the Supreme Court in which the United States are interested, and gives his advice and opinion upon questions of law to the President and the heads of departments, when such questions pertain to the duties of their offices. These opinions are written, and are afterward printed for reference.

Post-Office Department.—The Postoffice Department, at the head of which is the Postmaster General, has general charge of the carrying of the United States mails.

In the early days of the republic the rate of postage was not uniform throughout the United States as at present. At one time the rate upon ordinary letters was five cents to any office within thirty miles, ten cents for a greater distance and from that up to twenty-five cents, for which sum

a letter could be sent across the continent. Postage was not then paid in advance, but by the person who received the letter. Afterward a law was passed which provided for a postage rate of three cents upon letters for transmission to any point in the country, provided the postage was prepaid; if not prepaid the rate was five cents. In this way the people became accustomed to the prepayment of postage, and finally this was required by law.

The Postmaster General controls more patronage than any other executive officer.

Department of the Navy.—The Department of the Navy, at the head of which is the Secretary of the Navy, has charge of the navy, and of the Naval Academy at Annapolis. Cadets for the naval academy are of the same number and are appointed in the same manner as those for the military academy. But the cadets must not be less than fourteen, nor more than eighteen years of age.

Department of the Interior.—The Department of the Interior has charge of the granting of patents and pensions, of the public lands, of Indian affairs, of the taking of the census, and of educational affairs. The Secretary of the Interior is at the head of this Department.

This department is largely made up of offices which formerly belonged to other departments.

The Patent Office is under the charge of the Commissioner of Patents.

The Commissioner of Pensions has charge of the pension office.

The Land Office is under the charge of an officer styled the Commissioner of the General Land Office.

Under the Secretary of the Interior there are also the Commissioner of Indian Affairs, the Superintendent of the Census and the Bureau of Education.

Department of Agriculture.—The Department of Agriculture collects and preserves information concerning agriculture. It also collects seeds and plants, and tests them and distributes seeds, plants and information concerning agriculture among farmers and other interested persons.

These duties were formerly performed by the Bureau of Agriculture and the Department of the Interior. The bureau was changed to an independent department in 1889. The head of this department is the Secretary of Agriculture.

President's Cabinet.—The heads of the several departments form what is known as the President's Cabinet. They advise him, when asked to do so, upon the various matters pertaining to the departments. Cabinet meetings are held at the request of the President, at which the more important matters of the government are discussed. The President is free to carry out the recommendations of the cabinet, or not, as he sees fit.

The Cabinet, as such, has no legal existence, and performs no legal duties. It is not mentioned in the constitution. Washington called the heads of departments together for consultation, and the practice has been kept up by his successors. No record is kept of the proceedings of the Cabinet, they being merely of an advisory nature.

President's Salary.—The President receives for his services a compensation which can neither be increased nor diminished during the term for which he is elected, and he cannot receive within that period any other emolument from the United States, or from any State.

The President receives $50,000 a year; his house, called the Executive Mansion, or "White House," is furnished by the Government.

The Vice-President receives $8,000 a year.

JUDICIAL DEPARTMENT.

Judicial Power.—The Judicial power of the United States is vested in one Supreme Court, ordained by the constitution, and in such inferior courts as Congress may from time to time establish.

The Judicial power extends to:

(1.) All cases in law and equity arising under the constitution, the laws of the United States, and treaties made under their authority.

(2.) All cases affecting ambassadors and other public ministers and consuls.

(3.) All cases of admiralty and maritime jurisdiction.

(4.) Controversies to which the United States is a party.

(5.) Controversies between two or more States.

(6.) Controversies between a State and the citizens of another State.

(7.) Controversies between citizens of different States.

(8.) Controversies between citizens of the same State claiming lands under grants of different States.

(9.) Controversies between a State, or the citizens thereof, and foreign States, citizens, or subjects.

At the time of the adoption of the constitution the States were unwilling to be sued by citizens of other States, domestic or foreign. This was contrary to the prevailing notions of the rights and dignity of a State in case of a controversy between it and a private person. It was at first claimed that the sixth and ninth clauses given above did not apply to suits brought against States, but to those brought by the States themselves. That is to say, that a State could go to law voluntarily as a plaintiff, but could not be forced into court as a defendant, without its consent. This view, how-

ever, was decided by the Supreme Court of the United States to be erroneous, and it was held that a citizen could sue a State in the national courts. Thereupon Congress proposed and a sufficient number of States ratified an amendment to the constitution—the eleventh—which provides that the judicial power must not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign States. (See page 35.)

Personal Rights.—No person can be twice put in jeopardy of life or limb; or be compelled to be a witness against himself, or be deprived of life, liberty or property, without due process of law.

In all criminal trials, the person accused has the right to a speedy and public trial by an impartial jury of the State and district in which the crime has been committed. He must be informed of the nature and cause of the charge against him, and be allowed to meet the witnesses against him face to face; he must also have process to compel witnesses to appear in his favor, and the assistance of counsel for his defense.

The constitution further provides that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

All of these provisions were inserted in the constitution, or its amendments, in order to guard against abuses which had existed under the government of England. Formerly, in that country, men were imprisoned and put upon trial for crimes of which they had been previously acquitted. Prisoners were tortured into testifying of their own guilt when put upon trial for criminal offenses. Men were condemned to death or imprisonment without lawful trials and

their property confiscated in arbitrary and unlawful ways. There was a "due process of law" for all these things, but it was ignored and evaded. In this country the laws are generally observed by the people, although every person who is "lynched" is deprived of life without due process of law. The former abuses in England, however, were participated in by the officers of the law, and not merely by mobs acting in defiance of the law and its officers.

In former times persons accused of crime were kept imprisoned in places remote from the place of the alleged crime, and for long spaces of time without the privilege of communication with relatives, friends or counsel. And when brought into court they were often kept in chains, and were not allowed to testify, to be represented by counsel, or to cross-examine the witnesses produced against them; nor could they compel the attendance of witnesses in their favor; or, indeed, call them to the stand if they were present, prior to 1688.

Trial by Jury.—The trial of all crimes, except in cases of impeachment, must be by jury; the trial must be held in the State where the crimes have been committed; when not committed within any State, the trial must be at such place as Congress has, by law, directed.

In suits of common law, in cases where the amount in dispute is more than twenty dollars, the right of trial by jury must be preserved.

In England a man now has a right to be tried by a jury of his peers—that is, by persons of equal rank. In this country, there being no nobility, the right of a man to "the judgment of his peers" means a trial by an impartial jury. The verdict of the jury must be unanimous in order to convict.

Treason.—Treason against the United States consists only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person can be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court. A private confession has no effect.

Congress has power to declare the punishment of treason, but no attainder of treason can work corruption of blood, or forfeiture, except during the life of the person attainted.

In England, for punishment of treason, besides the cruel death which was inflicted, there was an *attainder* or *stain*, which had the effect not only of forfeiting the property of the person convicted to the State, but of preventing his children from inheriting property through him from their ancestors. His blood was said to be so corrupted by his crime that property could not descend through him to his children. Such an attainder is prohibited in this country.

Aaron Burr was tried for treason in 1807 and acquitted.

Indictment by Grand Jury.—Before a person can be brought to trial for offenses against the United States he must be indicted by a grand jury, except in cases which arise in the army and navy, or in the militia when in actual service in time of war or public danger.

Instead of the indictment, the grand jury may make a presentment, which is a charge made by them from their own knowledge, or from evidence before them, without the formal accusation drawn up by the prosecuting attorney. (See p. 49.)

Judges.—All United States judges are appointed by the President, with the consent of the Senate, and hold office during good behavior. They can be removed from office only by impeachment.

Any judge of any court of the United States who has held the office for ten years, and has attained to the age of seventy years may resign his office, and yet receive the same salary during life that was paid to him at the time of his resignation.

The compensation of United States judges cannot be diminished during their continuance in office.

The fact that they hold office during good behavior makes the judges independent of the President and the Senate who appoint them, and Congress cannot punish the judges indirectly, by reducing their salaries, in case they should declare a law unconstitutional, or otherwise render a decision which might displease the members of Congress.

In case a judge should become incapacitated from either mental or physical infirmities, he could be removed only by impeachment. But with the foregoing provision for their retirement by resignation upon full salary after they shall have served ten years and shall have attained the age of seventy years, no difficulty arising from infirmity is ever likely to occur.

SUPREME COURT.

Jurisdiction.—The United States Supreme Court has original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. In all other cases mentioned under the head of Judicial Power (except where exceptions have been made by Congress), it has appellate jurisdiction. (See p. 46.)

A case arising in state courts under state laws can be carried to the Supreme Court of the United States when it involves the question as to whether or not a State law involved in the case is contrary to the constitution of the

United States. Many more State laws have been declared by the Supreme Court to be unconstitutional than laws enacted by Congress.

Judges.—There are nine judges of the United States Supreme Court—a chief justice and eight associate justices.

Salaries.—The judges of the United States Supreme Court receive $10,000, except the chief justice, who receives $10,500 a year.

CIRCUIT COURTS OF APPEAL.

Jurisdiction.—These courts, which were created by an act of Congress in 1891, have appellate jurisdiction only. They can review, on appeal or writ of error, the final decisions of the District and Circuit Courts of the United States in all cases other than those which are directly reviewable by the Supreme Court, and their decisions are final in many instances. They were created to relieve the crowded condition of the docket of the Supreme Court, which was said to be about three years in arrears.

The practical difference between civil cases taken up on appeal, and on writ of error, is that, in the latter case, no bond is given by the party who takes up the case, and consequently there is no stay of execution of the judgment of the lower court while the case is pending in the upper court.

Judges.—There is a circuit court of appeals in each of the nine circuits into which the United States are divided, each court consisting of three judges, two of whom constitute a quorum. No judges, however, are appointed for these courts, but the justices of the Supreme Court, the circuit judges and the several district judges are competent to sit as judges of the circuit courts of appeals within their

respective circuits. The district judges do not sit, however, except in the absence of one of the other judges. The sessions of this court for the seventh district, in which Illinois is located, are held at Chicago.

CIRCUIT COURTS.

Number and Jurisdiction.—The United States are divided into nine circuits.

The circuit courts have original jurisdiction in civil suits arising under patent and copyright laws, and in several other cases; also in criminal cases for the trial of persons accused of offenses against the United States. They have appellate jurisdiction in cases tried before the United States district courts.

Judges. — At the time of the creation of the circuit court of appeals the number of circuit judges was increased so that every circuit has at least two judges and some circuits have three, there being over twenty in all. Each judge may hold circuit court in his district, either with or without a district judge.

The judges of the Supreme Court apportion the nine circuits among themselves, and hold court in each at least once every two years. The supreme judge may associate with himself a circuit judge or a district judge.

Salary.—United States Circuit judges receive $6,000 a year.

DISTRICT COURTS.

Jurisdiction. — The jurisdiction of district courts extends to the trial of all crimes committed within the district against the United States, except those punishable with death.

The original jurisdiction in civil cases is about the same as in the circuit court.

Judges.—The United States are divided into about seventy districts for the purpose of holding district courts. The number of district judges does not correspond to the number of districts, as, in some cases, one judge is appointed for two or more districts. But there is at least one district judge in every State.

Salaries.—United States district judges receive from $3,500 to $5,000 a year.

COURT OF CLAIMS.

Jurisdiction.—For a sovereign State or nation to be sued would be a contradiction of the idea of enlightened sovereignty. For if it could be sued in the courts of another State or nation, it would not be sovereign, and if in its own courts that would imply that it was unwilling to do justice without coercion, and the suitor would be asking a sovereign power to coerce itself.

Formerly claims against the United States were presented to the respective executive departments, and if they could not be adjusted there, application for relief could only be made to Congress, which had no adequate means of determining the matter, and the delays incident to its procedure often amounted to a complete denial of justice. For this reason a court of claims was created by Congress in 1855 and given power to adjudicate certain classes of claims against the United States. Congress appropriates money to pay the amounts allowed.

The district and circuit courts have also been given a limited jurisdiction over claims of this character.

Judges.—The court of claims consists of a chief justice and four judges.

MISCELLANEOUS

RIGHTS OF THE STATES.

Representation.—Each State is entitled to at least one representative in the Lower House, and no amendment to the constitution can be made which will deprive any State, without its consent, of its equal suffrage in the Senate.

Citizenship.—The Citizens in each State are entitled to all the privileges and immunities of citizens in the several States.

A State is not bound to confer upon a person coming into it all the rights and privileges which he might enjoy in some other State, but only such as it gives to its own citizens. Thus a man who cannot read loses the right to vote by moving from Illinois to some State, as Massachusetts or Connecticut, where inability to read is a bar to voting.

Protection.—The United States guarantees to every State a republican form of government, and protects it from invasion and domestic violence on the application of the legislature of the State, or the Governor, when the legislature cannot be convened.

Requisitions.—If a person charged in any State with treason, felony or other infamous crime, flees from justice and is found in another State, he must, on the demand of the Governor of the State from which he fled, be delivered up, to be removed to the State which has jurisdiction of the crime.

The writ issued by the Governor of a State demanding or requesting of the Governor of another State the surrender of a person accused of a crime committed in the former State is called a "requisition," and the person wanted is called a "fugitive from justice." The whole procedure of

removing a person from one State to another for trial by requisition is called "extradition."

The United States has treaties with almost all other nations and countries whereby persons accused of crime are delivered up for trial by means of extradition.

Rights Reserved.—The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States or to the people, and the enumeration of certain rights must not be construed to deny or disparage others retained by the people.

LIMITATIONS ON THE STATES.

Alliances Prohibited. — No State can enter into any treaty, alliance or confederation, or enter into any agreement or compact with another State, or with a foreign power, without the consent of Congress.

The national government could not exist if the several States could enter into treaties or alliances with foreign States—in fact, the United States would not then be recognized as a nation having sovereign power.

Money.—No State can coin money, emit bills of credit, make anything but gold and silver coin a legal tender in payment of debt, or pass any law impairing the obligations of contracts.

For a State to emit bills of credit would be for it to issue paper pledging its faith for the payment, and designing such paper to circulate as money.

Any kind of money is legal tender when a debtor can compel his creditor to accept such money in satisfaction of a debt. Congress has made paper money a legal tender, but the States cannot do this. If they could, it would result in so many different kinds of money as to cause endless confusion.

War.—No State can grant letters of marque and reprisal. Neither can it, without the consent of Congress, keep troops or ships of war in time of peace, nor engage in war unless actually invaded, or in such imminent danger as will not admit of delay.

This does not prevent the States from maintaining militia. The second amendment to the constitution states that "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Duties.—No State can, without the consent of Congress, lay any duty of tonnage, or any duties on exports or imports, except what may be absolutely necessary for executing the inspection laws. The net proceeds of all such duties are held for the use of the treasurer of the United States.

If the States on the seacoast could levy duties for the purposes of revenue, it would be a constant source of confusion, jealousy and strife, not only among such States, but between them and all others not so situated.

Civil and Personal Rights.—All persons born or naturalized in the United States, and subject to their jurisdiction, are citizens of the United States and of the States in which they reside, and no State can make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. No State can deprive any person of life, liberty or property, without due process of law, or deny to any person within its jurisdiction the equal protection of the laws.

No State can pass any bill of attainder or *ex post facto* law.

Title of Nobility.—No State can grant any title of nobility.

Illegal Debts.—A State cannot assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or for the loss or emancipation of any slave.

GENERAL PROVISIONS.

Admission of States.—Congress may admit new States into the Union, but no new State can be formed within the jurisdiction of any other State, or by the junction of two or more States, without the consent of the legislatures of the States concerned, as well as of Congress.

Amendments to the Constitution. — Whenever two-thirds of both houses may deem it necessary, Congress must propose amendments to the constitution; or, on application of the legislatures of two-thirds of the States, must call a convention for proposing amendments. Amendments proposed in either of these ways are valid to all intents and purposes as part of the constitution, when ratified by the legislatures of three-fourths of the States, or by conventions in three-fourths of the States, as the one or the other mode of ratification may be proposed by Congress. But no amendment can be made which will deprive any State, without its consent, of its equal suffrage in the Senate.

Fifteen amendments to the constitution have been adopted. The first ten were proposed by the first Congress, and were ratified in 1791. They all pertain to the rights of the people, and, taken together, constitute what is called a "Bill of Rights." The second article of the constitution of Illinois consists of a Bill of Rights.

The eleventh amendment, ratified in 1798, limits the jurisdiction of the national judiciary; the twelfth, ratified in 1804, changes the mode of electing the President and Vice-President; the thirteenth, ratified in 1865, abolishes

slavery in the United States; the fourteenth, ratified in 1868, declares the emancipated slaves to be citizens, and invests them with full civil rights; prescribes the manner of apportioning the representatives among the States; places a political disability upon all persons who, having sworn to support the constitution, afterward engaged in rebellion against the United States, and provides that such disability may be removed by a two-thirds vote in both houses of Congress. The fifteenth amendment provides that the right of citizens of the United States to vote cannot be denied or abridged on account of race, color, or previous condition of servitude.

Supreme Law.—The constitution of the United States, the laws made in pursuance of its provisions, and all treaties made under the authority of the United States, constitute the supreme law of the land. The judges in every State are bound by these, notwithstanding anything which may be in the constitution or laws of any State.

Personal Rights.—No soldier can, in time of peace, be quartered in any house without the consent of the owner, or in time of war, except in the manner provided by law.

The people have the right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and this right must not be violated. Warrants cannot be issued except on probable cause, supported by oath (or affirmation), and particularly describing the place to be searched, and the persons or things to be seized.

Slavery.—Neither slavery nor involuntary servitude, except as a punishment of crime of which the person is duly convicted, can exist within the limits of the United States, or in any place subject to their jurisdiction.

Public Debt.—The validity of the public debt of the United States, authorized by law, including debts incurred

for payment of pensions and bounties for service in suppressing insurrection and rebellion cannot be questioned.

The United States cannot assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

APPENDIX.

CONSTITUTION OF THE STATE OF ILLINOIS.

ADOPTED IN CONVENTION AT SPRINGFIELD, MAY 13, A. D. 1870.

Ratified by the People July 2, 1870; in force August 8, 1870; amended in 1878, 1880 and 1886.

PREAMBLE.

We, the people of the State of Illinois—grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the State of Illinois.

ARTICLE I.

BOUNDARIES.

The boundaries and jurisdiction of the State shall be as follows, to-wit: Beginning at the mouth of Wabash River; thence up the same, and with the line of Indiana, to the northwest corner of said State; thence east, with the line of the same State, to the middle of Lake Michigan; thence north along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi River, and thence down along the middle of that river to its confluence with the Ohio River, and thence up the latter river along its northwestern shore, to the place beginning; *Provided*, that this State shall exercise such jurisdiction upon the Ohio River, as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

ARTICLE II.

BILL OF RIGHTS.

§ 1. All men are by nature free and independent, and have certain inherent and inalienable rights—among these are life, liberty, and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

§ 2. No person shall be deprived of life, liberty or property, without due process of law.

§ 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

§ 4. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

§ 5. The right of trial by jury as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.

§ 6. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons and things to be seized.

§ 7. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

§ 8. No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the peni-

tentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

§ 9. In all criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

§ 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

§ 11. All penalties shall be proportioned to the nature of the offense; and no conviction shall work corruption or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same.

§ 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

§ 13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

§ 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

§ 15. The military shall be in strict subordination to the civil power.

§ 16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

§ 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

§ 18. All elections shall be free and equal.

§ 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation; he ought to obtain, by law, right and justice freely and without being obliged to purchase it, completely and without denial, promptly and without delay.

§ 20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the government of this State are divided into three distinct departments—the Legislative, Executive and Judicial; and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

§ 1. The legislative power shall be vested in a general assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people.

ELECTION.

§ 2. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the governor, or person exercising the powers of governor, shall issue writs of election to fill such vacancy.

ELIGIBILITY AND OATH.

§ 3. No person shall be a senator who shall not have attained the age of twenty-five years, or a representative who shall not have attained the age of twenty-one years. No person shall be a senator or representative who shall not be a citizen of the United States, and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, secretary of State, attorney general, State's attorney, recorder, sheriff, or collector of public revenue, member of

either house of congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the General Assembly: *Provided*, that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States (except postmasters whose annual compensation does not exceed the sum of three hundred dollars), hold any office of honor or profit under the authority of this State.

§ 4. No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

§ 5. Members of the General Assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Illinois, and will faithfully discharge the duties of senator (or representative) according to the best of my ability; and that I have not knowingly or intentionally, paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company or person, for any vote or influence I may give or withhold on any bill, resolution or appropriation, or for any other official act."

This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected, and the secretary of State shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to, or of violating his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this state.

APPORTIONMENT—SENATORIAL.

§ 6. The General Assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and sev-

enty-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers, at the end of four years; and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as nearly as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths, may be divided into separate districts, and shall be entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

NOTE.—By the adoption of minority representation, Sections 7 and 8 of this article, above set forth, cease to be a part of the constitution. Under Section 12 of the schedule, and the vote of adoption, the following section relating to minority representation is substituted for said sections:

MINORITY REPRESENTATION.

§ § 7 and 8. The house of representatives shall consist of three times the number of the members of the senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

TIME OF MEETING AND GENERAL RULES.

§ 9. The sessions of the General Assembly shall commence at twelve o'clock noon, on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this constitution. A

majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members; shall choose its own officers; and the senate shall choose a temporary president to preside when the lieutenant governor shall not attend as president, or shall act as governor. The secretary of State shall call the House of Representatives to order at the opening of each new assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person, not a member, who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

§ 10. The door of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the senate, at the request of two members, and in the house at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journals.

STYLE OF LAWS, AND PASSAGE OF BILLS.

§ 11. The style of the laws of this State shall be: *"Be it enacted by the People of the State of Illinois, represented in the General Assembly."*

§ 12. Bills may originate in either house, but may be altered, amended or rejected by the other; and on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law

without the concurrence of a majority of the members elected to each house.

§ 13. Every bill shall be read at large on three different days, in each house; and the bill and all amendments thereto shall be printed before the vote is taken on its final passage; and every bill, having passed both houses, shall be signed by the speakers thereof. No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the General Assembly shall take effect until the first day of July next after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act) the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

PRIVILEGES AND DISABILITIES.

§ 14. Senators and representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

§ 15. No person elected to the General Assembly shall receive any civil appointment within this State from the governor, the governor and senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

PUBLIC MONEYS AND APPROPRIATIONS.

§ 16. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject.

§ 17. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall, within sixty days after the adjournment of each session of the General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

§ 18. Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter. *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars; and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war (for payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrepealable until such debt be paid. *And, provided further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

§ 19. The General Assembly shall never grant or authorize extra compensation, fee or allowance to any public officer, agent, servant or

contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void. *Provided*, the General Assembly may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

§ 20. The State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to, or in aid of, any public or other corporation, association or individual.

PAY OF MEMBERS.

§ 21. The members of the General Assembly shall receive for their services the sum of five dollars per day, during the first session held under this constitution, and ten cents for each mile necessarily traveled in going to, and returning from, the seat of government, to be computed by the auditor of public accounts; and thereafter such compensation as shall be prescribed by law, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, newspaper and all other incidental expenses and perquisites; but no change shall be made in the compensation of the General Assembly during the term for which they may have been elected. The pay and mileage allowed to each member of the General Assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

SPECIAL LEGISLATION PROHIBITED.

§ 22 The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say, for—

Granting divorces;

Changing the names of persons or places;

Laying out, opening, altering and working roads or highways;

Vacating roads, town plats, streets, alleys, and public grounds;

Locating or changing county seats;

Regulating county and township affairs;

Regulating the practice in courts of justice;

Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables;

Providing for changes of venue in civil and criminal cases;

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village;

Providing for the election of members of the board of supervisors in townships, incorporated town or cities;

Summoning and impaneling grand or petit juries;

Providing for the management of common schools;

Regulating the rate of interest on money;

The opening and conducting of an election, or designating the place of voting;

The sale or mortgage of real estate belonging to minors or others under disability;

The protection of game or fish;

Chartering or licensing ferries or toll bridges;

Remitting fines, penalties or forfeitures;

Creating, increasing or decreasing fees, percentages or allowances of public officers, during the term for which said officers are elected or appointed;

Changing the law of descent;

Granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purpose;

Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted.

§ 23. The General Assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State or to any municipal corporation therein.

IMPEACHMENT.

§ 24. The House of Representatives shall have the sole power of impeachment; but a majority of all the members elected must concur therein. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath or affirmation, to do justice according to law and evidence. When the governor of the State is tried, the chief-justice shall preside. No

person shall be convicted without the concurrence of two-thirds of the senators elected. But judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

MISCELLANEOUS.

§ 25. The General Assembly shall provide, by law, that the fuel, stationery and printing paper furnished for the use of the State; the copying, printing, binding and distributing the laws and journals, and all other printing ordered by the General Assembly, shall be let by contract to the lowest responsible bidder; but the General Assembly shall fix a maximum price; and no member thereof, or other officer of the State, shall be interested, directly or indirectly, in such contract. But all such contracts shall be subject to the approval of the governor, and if he disapproves the same, there shall be a re-letting of the contract, in such manner as shall be prescribed by law.

§ 26. The State of Illinois shall never be made defendant in any court of law or equity.

§ 27. The General Assembly shall have no power to authorize lotteries or gift enterprises, for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

§ 28. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

§ 29. It shall be the duty of the General Assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement shafts, or such other appliances as may secure safety in all coal mines, to provide for the enforcement of said laws by such penalties and punishments as may be deemed proper.

§ 30. The General Assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

*§ 31. The General Assembly may pass laws permitting the owners of land to construct drains, ditches and levees for agricultural, sanitary or mining purposes, across the lands of others, and

*As amended in 1878.

provide for the organization of drainage districts, and vest the corporate authorities thereof with power to construct and maintain levees, drains and ditches, and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this State, by special assessments upon the property benefited thereby.

§ 32. The General Assembly shall pass liberal homestead and exemption laws.

§ 33. The General Assembly shall not appropriate out of the State treasury, or expend on account of the new capitol grounds, and construction, completion and furnishing of the Statehouse, a sum exceeding, in the aggregate, three and a half millions of dollars, inclusive of all appropriations heretofore made, without first submitting the proposition for an additional expenditure to the legal voters of the State, at a general election; nor unless a majority of all votes cast at such election shall be for the proposed additional expenditure.

ARTICLE V.

EXECUTIVE DEPARTMENT.

§ 1. The executive department shall consist of a governor, lieutenant-governor, secretary of State, auditor of public accounts, treasurer, superintendent of public instruction, and attorney-general, who shall each, with the exception of treasurer, hold his office for the term of four years from the second Monday of January next after his election, and until his successor is elected and qualified. They shall, except the lieutenant-governor, reside at the seat of government during the term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

§ 2. The treasurer shall hold his office for the term of two years, and until his successor is elected and qualified; and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

ELECTION.

§ 3. An election for governor, lieutenant-governor, secretary of State, auditor of public accounts, and attorney-general, shall be held on the Tuesday next after the first Monday of November, in the year

of our Lord one thousand eight hundred and seventy-two, and every four years thereafter; for superintendent of public instruction, on the Tuesday next after the first Monday of November, in the year one thousand eight hundred and seventy, and every four years thereafter, and for treasurer on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

§ 4. The returns of every election for the above named officers shall be sealed up and transmitted, by the returning officers, to the secretary of State, directed to "The Speaker of the House of Representatives," who shall, immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the General Assembly, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices, shall be declared duly elected; but if two or more have an equal, and the highest number of votes, the General Assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly, by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY.

§ 5. No person shall be eligible to the office of governor, or lieutenant-governor, who shall not have attained the age of thirty years, and been for five years next preceding his election, a citizen of the United States and of this State. Neither the governor, lieutenant-governor, auditor of public accounts, secretary of State, superintendent of public instruction, nor attorney-general, shall be eligible to any other office during the period for which he shall have been elected.

GOVERNOR.

§ 6. The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

§ 7. The governor shall, at the commencement of each session, and at the close of his term of office, give to the General Assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a state-

ment of all moneys received and paid out by him from any funds subject to his order, with vouchers, and, at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

§ 8. The governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which they are convened; and the general assembly shall enter upon no business except that for which they were called together.

§ 9. In case of an agreement between the two houses with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

§ 10. The governor shall nominate and, by and with the advice and consent of the senate (a majority of all the senators elected concurring by yeas and nays), appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly.

§ 11. In case of vacancy, during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate (a majority of all the senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the senate, shall be again nominated for the same office at the same session, unless at the request of the senate, or be appointed to the same office during the recess of the General Assembly.

§ 12. The governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant and fill the same as is herein provided in other cases of vacancy.

§ 13. The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor.

§ 14. The governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into

the service of the United States); and may call out the same to execute the laws, suppress insurrection, and repel invasion.

§ 15. The governor, and all civil officers of this State, shall be liable to impeachment for any misdemeanor in office.

VETO.

§ 16. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If, then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. But in all such cases, the vote of each house shall be determined by yeas and nays, to be entered on the journal. Any bill which shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return; in which case it shall be filed, with his objections, in the office of the secretary of State, within ten days after such adjournment, or become a law.

LIEUTENANT-GOVERNOR.

§ 17. In case of the death, conviction or impeachment, failure to qualify, resignation, absence from the State, or other disability of the governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant-governor.

§ 18. The lieutenant-governor shall be president of the senate, and shall vote only when the senate is equally divided. The senate shall choose a president, *pro tempore*, to preside in case of the absence or impeachment of the lieutenant-governor, or when he shall hold the office of governor.

§ 19. If there be no lieutenant-governor, or if the lieutenant-governor shall, for any of the causes specified in section seventeen

of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the House of Representatives.

OTHER STATE OFFICERS.

§ 20. If the office of auditor of public accounts, treasurer, secretary of State, attorney general or superintendent of public instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the governor, under oath; and any officer who makes a false report shall be guilty of perjury, and be punished accordingly.

§ 21. The officers of the executive department, and of all the public institutions of the State, shall, at least ten days preceding each regular session of the General Assembly, severally report to the governor, who shall submit such reports to the General Assembly, together with the reports of the judges of the supreme court of defects in the constitution and laws; and the governor may at any time require information, in writing, under oath, from the officers of the executive department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices.

THE SEAL OF STATE.

§ 22. There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be kept by the secretary of State, and used by him, officially, as directed by law.

FEES AND SALARIES.

§ 23. The officers named in this article shall receive for their services a salary, to be established by law, which shall not be in-

creased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution, shall be paid in advance into the State treasury.

DEFINITION AND OATH OF OFFICE.

§ 24. An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency for a temporary purpose, which ceases when that purpose is accomplished.

§ 25. All civil officers, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability."

And no other oath, declaration or test shall be required as a qualification.

ARTICLE VI.

JUDICIAL DEPARTMENT.

§ 1. The judicial powers, except as in this article is otherwise provided, shall be vested in one supreme court, circuit courts, county courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

SUPREME COURT.

§ 2. The supreme court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue in *mandamus* and *habeas corpus*, and appellate jurisdiction in all other cases. One of said judges shall be chief-justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

§ 3. No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citi-

zen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected.

§ 4. Terms of the supreme court shall continue to be held in the present grand divisions at the several places now provided for holding the same; and until otherwise provided by law, one or more terms of said court shall be held, for the northern division, in the city of Chicago each year at such times as said court may appoint, whenever said city or the county of Cook shall appoint appropriate rooms therefor, and the use of a suitable library, without expense to the State. The judicial divisions may be altered, increased or diminished in number, and the times and places of holding said court may be changed by law.

§ 5. The present grand divisions shall be preserved, and be denominated Southern, Central and Northern, until otherwise provided by law. The State shall be divided into seven districts for the election of judges, and until otherwise provided by law, they shall be as follows:

First District.—The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski and Massac.

Second District.—The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun and Christian.

Third District.—The counties of Sangamon, Macon, Logan, De Witt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

Fourth District.—The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

Fifth District.—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, LaSalle, Grundy and Woodford.

Sixth District.—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, DeKalb, Lee, Ogle and Rock Island.

Seventh District.—The counties of Lake, Cook, Will, Kankakee and DuPage.

The boundaries of the districts may be changed at the session of the General Assembly next preceding the election for judges therein, and at no other time; but whenever such alterations shall be made, the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

§ 6. At the time of voting on the adoption of this constitution, one judge of the supreme court shall be elected by the electors thereof, in each of said districts numbered two, three, six and seven, who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy. The term of office of judges of the supreme court, elected after the adoption of this constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in the office at the adoption of this constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges, in the respective districts wherein the term of such judges shall expire. The chief-justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number chief-justice.

§ 7. From and after the adoption of this constitution, the judges of the supreme court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the term for which said judges shall have been elected.

§ 8. Appeals and writs of error may be taken to the supreme court, held in the grand division in which the case is decided, or, by consent of the parties, to any other grand division.

§ 9. The supreme court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the court.

§ 10. At the time of the election for representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court, for each division shall be elected, whose term of office shall

be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.

APPELLATE COURTS.

§ 11. After the year of our Lord one thousand eight hundred and seventy-four, inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the General Assembly may provide, may be prosecuted from circuit or other courts, and from which appeals and writs of error shall lie to the supreme court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him; nor shall said judges receive any additional compensation for such services.

CIRCUIT COURTS.

§ 12. The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.

§ 13. The State, exclusive of the county of Cook and other counties having a population of one hundred thousand, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the circuit courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory and population, and shall not exceed in number one circuit for every one hundred thousand of population in the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the General Assembly, at its session next preceding the election for circuit judges, but at no other time. *Provided*, that the circuits may be equalized or changed at the first session of the General Assembly after the adoption of this constitution. The creation, altera-

tion or change of any circuit shall not affect the tenure of office of any judge. Whenever the business of the circuit court of any one, or of two or more contiguous counties, containing a population exceeding fifty thousand, shall occupy nine months of the year, the General Assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

§ 14. The General Assembly shall provide for the times of holding court in each county; which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

§ 15. The General Assembly may divide the State into judicial circuits of greater population and territory, in lieu of the circuits provided for in section thirteen of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law.

§ 16. From and after the adoption of this constitution, judges of the circuit courts shall receive a salary of three thousand dollars per annum, payable quarterly, until otherwise provided by law. And after their salaries shall be fixed by law, they shall not be increased or diminished during the terms for which said judges shall be respectively elected; and from and after the adoption of this constitution, no judge of the supreme or circuit court shall receive any other compensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

§ 17. No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the "board of county commissioners," unless he shall be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities, or incorporated town in which he shall be elected.

COUNTY COURTS.

§ 18. There shall be elected in and for each county, one county judge and one clerk of the county court, whose terms of office shall be four years. But the General Assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of, and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of records, and shall have original jurisdiction in all matters of probate; settlement of estates of deceased persons, appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices; and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

§ 19. Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

PROBATE COURTS.

§ 20. The General Assembly may provide for the establishment of a probate court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for the payment of debts.

JUSTICES OF THE PEACE AND CONSTABLES.

§ 21. Justices of the peace, police magistrates and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

STATE'S ATTORNEY.

§ 22. At the election for members of the General Assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's attorneys now provided by law, whose term of office shall be four years.

COURTS OF COOK COUNTY.

§ 23. The county of Cook shall be one judicial circuit. The circuit court of Cook county shall consist of five judges, until their number shall be increased, as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the circuit court of Cook county, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued and called the "Superior Court of Cook county." The General Assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts, hereinafter elected, shall be six years.

§ 24. The judge having the shortest unexpired term shall be chief-justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be chief-justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.

§ 25. The judges of the superior and circuit courts, and the State's attorney, in said county, shall receive the same salaries, payable out of the State treasury, as is or may be paid from said treasury to the circuit judges and State's attorneys of the State, and such further compensation, to be paid by the county of Cook, as is or may be provided by law. Such compensation shall not be changed during their continuance in office.

§ 26. The recorder's court of the city of Chicago shall be continued, and shall be called the "Criminal Court of Cook county." It shall have the jurisdiction of a circuit court in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in criminal and *quasi* criminal cases shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said criminal court of Cook county shall be held by one or more of the judges of

the circuit or superior court of Cook county, as nearly as may be in alternation, as may be determined by said judges, or provided by law. Said judges shall be *ex-officio* judges of said court.

§ 27. The present clerk of the recorder's court of the city of Chicago shall be the clerk of the criminal court of Cook county, during the term for which he was elected. The present clerks of the superior court of Chicago, and the present clerk of the circuit court of Cook county, shall continue in office during the terms for which they were respectively elected; and thereafter there shall be but one clerk of the superior court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§ 28. All justices of the peace in the city of Chicago shall be appointed by the governor, by and with the advice and consent of the senate (but only upon the recommendation of a majority of the judges of the circuit, superior and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceeding in the circuit or superior court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.

GENERAL PROVISIONS.

§ 29. All judicial officers shall be commissioned by the governor. All laws relating to courts shall be general, and of uniform operation; and the organization, jurisdiction, powers, proceedings and practice of all courts, of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such courts, severally, shall be uniform.

§ 30. The General Assembly may, for cause entered on the journals, upon due notice and opportunity of defense, remove from office any judge, upon concurrence of three-fourths of all the members elected, of each house. All other officers in this article mentioned, shall be removed from office on prosecution and final conviction, for misdemeanor in office.

§ 31. All judges of courts of record, inferior to the supreme court, shall, on or before the first day of June, of each year, report in writing to the judges of the supreme court, such defects and omis-

sions in the laws as their experience may suggest; and the judges of the supreme court shall, on or before the first day of January, of each year, report in writing to the governor such defects and omissions in the constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. And the judges of the several circuit courts shall report to the next General Assembly, the number of days they have held court in the several counties composing their respective circuits, the preceding two years.

§ 32. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county or district for which they may be elected or appointed. The term of offices of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is, or may be, provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment, as follows: Of judges, by the governor; of clerks of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors, or board of county commissioners, in the county where the vacancy occurs.

§ 33. All process shall run: *In the name of the people of the State of Illinois;* and all prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois;* and conclude: *Against the peace and dignity of the same.* "Population," wherever used in this article, shall be determined by the next preceding census of this State, or of the United States.

ARTICLE VII.

SUFFRAGE.

§ 1. Every person having resided in this State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of Janu-

ary, in the year of our Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

§ 2. All votes shall be by ballot.

§ 3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

§ 4. No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States, or of this State, or in the military or naval service of the United States.

§ 5. No soldier, seaman or marine in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed therein.

§ 6. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

§ 7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

ARTICLE VIII.

EDUCATION.

§ 1. The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of this State may receive a good common school education.

§ 2. All lands, moneys, or other property, donated, granted, or received for school, college, seminary or university purposes, and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

§ 3. Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or

sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

§ 4. No teacher, State, county, township, or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used, in any school in this state, with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

§ 5. There may be a county superintendent of schools in each county whose qualifications, powers, duties, compensation, and time and manner of election, and term of office, shall be prescribed by law.

ARTICLE IX.

REVENUE.

§ 1. The General Assembly shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property—such value to be ascertained by some person or persons, to be elected or appointed in such manner as the General Assembly shall direct and not otherwise; but the General Assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor-dealers, toll-bridges, ferries, insurance, telegraph and express interests or business, venders of patents, and persons or corporations owning or using franchises and privileges. in such manner as it shall, from time to time, direct by general law, uniform as to the class upon which it operates.

§ 2. The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this constitution.

§ 3. The property of the State, counties, and other municipal corporations, both real and personal, and such other property, as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessment of real estate incumbered by public ease-

ment, any depreciation occasioned by such easement may be deducted in the valuation of such property.

§ 4. The General Assembly shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, county, municipal or other purposes. that a return of such unpaid taxes or assessments shall be made to some general officer of the county, having authority to receive State and county taxes; and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of some court of record.

§ 5. The right of redemption from all sales of real estate, for the non-payment of taxes or special assessments of any character, whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. And the General Assembly shall provide, by law, for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: *Provided*, that occupants shall in all cases be served with personal notice before the time of redemption expires.

§ 6. The General Assembly shall have no power to release or discharge any county, city, township, town or district, whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

§ 7. All taxes levied for State purposes shall be paid into the State treasury.

§ 8. County authorities shall never assess taxes, the aggregate of which shall exceed seventy-five cents per one hundred dollars' valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

§ 9. The General Assembly may vest the corporate authorities of cities, towns, and villages, with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes;

but such taxes shall be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

§ 10. The General Assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

§ 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

§ 12. No county, city, township, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation, incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

ARTICLE X.

COUNTIES.

§ 1. No new county shall be formed or established by the General Assembly, which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four

hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

§ 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county, voting on the question, shall vote for the same.

§ 3. There shall be no territory stricken from any county, unless a majority of the voters living in such territory, shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for, and obliged to pay its proportion of the indebtedness of the county from which it has been taken.

COUNTY SEATS.

§ 4. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and three-fifths of the voters of the county, to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no persons shall vote on such question who has not resided in the county six months, and in the election precinct ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in ten years, to a vote of the people. But when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary.

COUNTY GOVERNMENT.

§ 5. The General Assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine, and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the General Assembly may provide. And in any county that shall have

adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county; and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the state.

§ 6. At the first election of county judges under this constitution, there shall be elected in each of the counties in this State, not under township organization, three officers, who shall be styled "The board of county commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

§ 7. The county affairs of Cook county shall be managed by a board of commissioners of fifteen persons, ten of whom shall be elected from the City of Chicago, and five from towns outside of said city, in such manner as may be provided by law.

COUNTY OFFICERS AND THEIR COMPENSATION.

*§ 8. In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A. D., 1882: A county judge, county clerk, sheriff, and treasurer, and at the election to be held on the Tuesday after the first Monday in November, A. D., 1884, a coroner and clerk of the circuit court (who may be *ex-officio* recorder of deeds, except in counties having 60,000 and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884.) Each of said officers shall enter upon the duties of his office, respectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified: *Provided,* that no person having once been elected to the office of

*As amended in 1880.

sheriff or treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

§ 9. The clerks of all the courts of record, the treasurer, sheriff, coroner and recorder of deeds of Cook county, shall receive as their only compensation for their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a judge of the circuit court of said county, and shall be paid, respectively, only out of the fees of the office actually collected. All fees, perquisites and emoluments (above the amounts of said salaries) shall be paid into the county treasury. The number of the deputies and assistants of such officers shall be determined by rule of the circuit court, to be entered of record, and their compensation shall be determined by the county board.

§ 10. The county board, except as provided in section nine of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel and other expenses, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected, they shall not allow either of them more per annum than fifteen hundred dollars, in counties not exceeding twenty thousand inhabitants; two thousand dollars, in counties containing twenty thousand and not exceeding thirty thousand inhabitants; twenty-five hundred dollars, in counties containing thirty thousand and not exceeding fifty thousand inhabitants; three thousand dollars, in counties containing fifty thousand and not exceeding seventy thousand inhabitants; thirty-five hundred dollars, in counties containing seventy thousand and not exceeding one hundred thousand inhabitants; and four thousand dollars, in counties containing one hundred thousand and not exceeding two hundred and fifty thousand inhabitants; and not more than one thousand dollars additional compensation for each additional one hundred thousand inhabitants. *Provided*, that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received, in excess of their said compensation, shall be paid into the county treasury.

§ 11. The fees of township officers, and of each class of county officers, shall be uniform in the class of counties to which they respectively belong. The compensation herein provided for shall apply

only to officers hereafter elected, but all fees established by special laws shall cease at the adoption of this constitution, and such officers shall receive only such fees as are provided by general law.

§ 12. All laws fixing the fees of State, county and township officers, shall terminate with the terms respectively of those who may be in office at the meeting of the first General Assembly after the adoption of this constitution; and the General Assembly shall, by general law, uniform in its operation, provide for and regulate the fees of said officers and their successors, so as to reduce the same to a reasonable compensation for services actually rendered. But the General Assembly may, by general law, classify the counties by population into not more than three classes, and regulate the fees according to class. This article shall not be construed as depriving the General Assembly of the power to reduce the fees of existing officers.

§ 13. Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report, under oath, to some officer to be designated by law, of all his fees and emoluments.

ARTICLE XI.

CORPORATIONS.

§ 1. No corporation shall be created by special laws, or its charter extended, changed, or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State, but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created.

§ 2. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

§ 3. The General Assembly shall provide, by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors and managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number

of directors multiplied by the number of his shares of stock, shall equal, or distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

§ 4. No law shall be passed by the General Assembly, granting the right to construct and operate a street railroad within any city, town, or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

BANKS.

§ 5. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes, now created, or to be hereafter created. No act of the General Assembly authorizing or creating corporations or associations, with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect, or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such an election for or against such law.

§ 6. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remains such stockholder.

§ 7. The suspension of specie payments by banking institutions, on their circulation, created by the laws of this State, shall never be permitted or sanctioned. Every banking association now, or which may hereafter be, organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs (which shall be certified to, under oath, by one or more of its officers), as may be provided by law.

§ 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills or paper credit, designed to circulate as money, and require security, to the full amount thereof, to be deposited with the State treasurer, in United States or Illinois State stocks, to be rated at ten per cent. below their par value; and in case of a depreciation of

said stocks to the amount of ten per cent. below par, the bank or banks owning said stocks shall be required to make up said deficiency, by depositing additional stocks. And said law shall also provide for the recording of the names of all stockholders in such corporation, the amount of stock held by each, the time of any transfer thereof, and to whom such transfer is made.

RAILROADS.

§ 9. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railway corporation shall, annually, make a report, under oath, to the auditor of public accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

§ 10. The rolling stock, and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

§ 11. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

§ 12. Railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons, for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

§ 13. No railroad corporation shall issue any stock or bonds, except for money, labor or property, actually received, and applied to the purpose for which such corporation was created; and all stock dividends, and other fictitious increase of capital stock or indebtedness of any such corporation, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days' public notice, in such manner as may be provided by law.

§ 14. The exercise of the power, and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

§ 15. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws, by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

ARTICLE XII.

MILITIA.

§ 1. The militia of the State of Illinois shall consist of all able bodied male persons, residents in the State, between the ages of eighteen and forty-five, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this State.

§ 2. The General Assembly, in providing for the organization,

equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

§ 3. All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the General Assembly may provide.

§ 4. The militia shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and elections, and in going to and returning from the same.

§ 5. The military records, banners and relics of the State shall be preserved as an enduring memorial of the patriotism and valor of Illinois, and it shall be the duty of the General Assembly to provide by law for the safe keeping of the same.

§ 6. No person having conscientious scruples against bearing arms, shall be compelled to do military duty in time of peace. *Provided,* such person shall pay an equivalent for such exemption.

ARTICLE XIII.

WAREHOUSES.

§ 1. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

§ 2. The owner, lessee or manager of each and every public warehouse situated in any town or city of not less than one hundred thousand inhabitants, shall make weekly statements under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in the office of said warehouse, and shall also file a copy for public examination in such place as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued, and are, at the time of making such statement, outstanding therefor; and shall, on the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse; and the different grades of grain shipped in separate lots, shall not be mixed with inferior or superior grades, without the consent of the owner or consignee thereof.

§ 3. The owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored, and all the books and records of the warehouse, in regard to such property.

§ 4. All railroad companies and other common carriers on railroads shall weigh or measure grain at points where it is shipped, and receipt for the full amount, and shall be responsible for the delivery of such amount to the owner or consignee thereof, at the place of destination.

§ 5. All railroad companies receiving and transporting grain in bulk or otherwise, shall deliver the same to any consignee thereof, or any elevator or public warehouse to which it may be consigned, provided such consignee or the elevator or public warehouse can be reached by any track owned, leased or used, or which can be used, by such railroad companies; and all railroad companies shall permit connections to be made with their track, so that any such consignee, and any public warehouse, coal bank or coal yard, may be reached by the cars on said railroad.

§ 6. It shall be the duty of the General Assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts, and to give full effect to this article of the constitution, which shall be liberally construed so as to protect producers and shippers. And the enumeration of the remedies herein named shall not be construed to deny to the General Assembly the power to describe by law such other and further remedies as may be found expedient, or to deprive any person of existing common law remedies.

§ 7. The General Assembly shall pass laws for the inspection of grain, for the protection of producers, shippers, and receivers of grain and produce.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

§ 1. Whenever two-thirds of the members of each house of the General Assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter or amend the constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the General Assembly shall, at the next session, provide for a convention, to consist of double the number of members of the

senate, to be elected in same manner, at the same places, and in the same districts. The General Assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fixing the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its duties. Before proceeding, the members shall take an oath to support the constitution of the United States, and the State of Illinois, and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as that of members of the Senate, and vacancies occurring, shall be filled in the manner provided for filling vacancies in the General Assembly. Said convention shall meet within three months after such election, and prepare such revision, alteration or amendments of the constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection, at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved, by a majority of the electors voting at the election, no such revision, alteration or amendments shall take effect.

§ 2. Amendments to this constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments, together with the yeas and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this constitution. But the General Assembly shall have no power to propose amendments to more than one article of this constitution at the same session, nor to the same article oftener than once in four years.

SECTIONS SEPARATELY SUBMITTED.

ILLINOIS CENTRAL RAILROAD.

No contract, obligation or liability whatever, of the Illinois Central Railroad Company, to pay any money into the State treasury,

nor any lien of the State upon, or right to tax property of said company, in accordance with the provisions or the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

MINORITY REPRESENTATION.

(See Sections 7 and 8, Article 4.)

MUNICIPAL SUBSCRIPTIONS TO RAILROADS OR PRIVATE CORPORATIONS.

No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation. *Provided, however*, that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

CANAL.

The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State, at a general election, and have been approved by a majority of all the votes polled at such election. The General Assembly shall never loan the credit of the State, or make appropriations from the treasury thereof, in aid of railroads or canals. *Provided*, that any surplus earnings of any canal may be appropriated for its enlargement or extension.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

§ 1. That all laws in force at the adoption of this constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts of this State, individuals, or bodies corporate,

shall continue to be as valid as if this constitution had not been adopted.

§ 2. That all fines, taxes, penalties and forfeitures, due and owing to the State of Illinois under the present constitution and laws, shall inure to the use of the people of the State of Illinois, under this constitution.

§ 3. Recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the State of Illinois, to any State or county officer or public body, shall remain binding and valid; and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of this State.

§ 4. County courts for the transaction of county business in counties not having adopted township organization, shall continue in existence, and exercise their present jurisdiction until the board of county commissioners provided in this constitution, is organized in pursuance of an act of the General Assembly; and the county courts in all other counties shall have the same power and jurisdiction they now possess until otherwise provided by law.

§ 5. All existing courts which are not in this constitution specifically enumerated, shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

§ 6. All persons now filling any office or appointment shall continue in the exercise of the duties thereof according to their respective commissions or appointments, unless by this constitution it is otherwise directed.

§ 7. On the day this constitution is submitted to the people for ratification, an election shall be held for judges of the supreme court in the second, third, sixth and seventh judicial election districts designated in this constitution, and for the election of three judges of the circuit in the County of Cook, as provided for in the article of this constitution relating to the judiciary, at which election every person entitled to vote, according to the terms of this constitution, shall be allowed to vote, and the election shall be otherwise conducted, returns made, and certificates issued, in accordance with

[Sections 7 to 17, both inclusive, providing for the submission of this constitution and voting thereon, by the people, become inoperative by the adoption of this constitution.]

existing laws, except that no registry shall be required at said election. *Provided*, that at said election in the County of Cook no elector shall vote for more than two candidates for circuit judge. If, upon canvassing the votes for any against the adoption of this constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificates of election shall be issued for any of said supreme or circuit judges.

§ 8. This constitution shall be submitted to the people of the State of Illinois for adoption or rejection at an election to be held on the first Saturday in July, in the year of our Lord one thousand eight hundred and seventy, and there shall be separately submitted at the same time, for adoption or rejection, sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen, relating to railroads, in the article entitled "Corporations," the article entitled "Counties," the article entitled "Warehouses," the question of requiring a three-fifths vote to remove a county seat, the section relating to the Illinois Central Railroad, the section in relation to minority representation, the section relating to municipal subscriptions to railroads or private corporations, and the section relating to the canal. Every person entitled to vote under the provisions of this constitution, as defined in the article in relation to suffrage, shall be entitled to vote for the adoption or rejection of this constitution, and for or against the articles, sections and questions aforesaid, separately submitted, and the said qualified electors shall vote at the usual places of voting, unless otherwise provided; and the said election shall be conducted, and returns thereof made, according to the laws now in force regulating general elections, except that no registry shall be required at said election, provided, however, that the polls shall be kept open for the reception of ballots until sunset of said day of election.

§ 9. The secretary of State shall, at least twenty days before said election, cause to be delivered to the county clerk of each county, blank poll-books, tally-lists, and forms of return, and twice the number of properly-prepared printed ballots for the said election that there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the secretary of State is, by law, required to be audited and paid, and the several county clerks shall, at least five days before said election, cause to be distributed to the board of election in each election district in their respective counties, said blank poll-books, tally-lists, forms of return, and tickets.

§ 10. At the said election the ballots shall be in the following form:

NEW CONSTITUTION TICKET.

For all the propositions on this ticket which are not canceled with ink or pencil, and against all propositions which are so canceled.

For the new constitution.

For the sections relating to railroads in the article entitled "Corporations."

For the article entitled "Counties."

For the article entitled "Warehouses."

For a three-fifths vote to remove county seats.

For the section relating to the Illinois Central Railroad.

For the section relating to minority representation.

For the section relating to municipal subscriptions to railroads or private corporations.

For the section relating to the canal.

Each of said tickets shall be counted as a vote cast for each proposition thereon not canceled with ink or pencil, and against each proposition so canceled, and returns thereof shall be made accordingly by the judges of election.

§ 11. The returns of the whole vote cast, and of the votes for the adoption or rejection of this constitution, and for or against the articles and sections respectively submitted, shall be made by the several county clerks as is now provided, by law, to the secretary of State, within twenty days after the election, and the returns of said votes shall, within five days thereafter, be examined and canvassed by the auditor, treasurer and secretary of State, or any two of them, in the presence of the governor, and proclamation shall be made by the governor forthwith of the result of the canvass.

§ 12. If it shall appear that a majority of the votes polled are "for the new constitution," then so much of this constitution as was not separately submitted to be voted on by articles and sections, shall be the supreme law of the State of Illinois, on and after Monday, the eighth day of August, in the year of our Lord one thousand eight hundred and seventy; but if it shall appear that a majority of the votes polled were "against the new constitution," then so much thereof as was not separately submitted to be voted on by articles and sections, shall be null and void.

If it shall appear that a majority of the votes polled are "for the sections relating to railroads in the article entitled 'Corporations,'" sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen, relating to railroads in the said article, shall be part of the constitution of this State; but if a majority of said votes are against such sections, they shall be null and void. If a majority of the votes polled are "for the article entitled 'Counties,'" such article shall be a part of the constitution of this State, and shall be substituted for article seven, in the present constitution entitled "Counties;" but if a majority of said votes are against such article, the same shall be null and void. If a majority of the votes polled are "for the article entitled 'Warehouses,'" such article shall be a part of the constitution of this State; but if a majority of the votes are against said article, the same shall be null and void. If a majority of the votes polled are for either of the sections separately submitted, relating respectively to the "Illinois Central Railroad," "minority representation," "municipal subscriptions to railroads or private corporations," and the "canal," then such of said sections as shall receive such majority, shall be a part of the constitution of this State; but each of said sections so separately submitted, against which respectively there shall be a majority of the votes polled, shall be null and void. *Provided*, that the section relating to "minority representation" shall not be declared adopted unless the portion of the constitution not separately submitted to be voted on by articles and sections shall be adopted; and in case said section relating to "minority representation" shall become a portion of the constitution, it shall be substituted for sections seven and eight of the legislative article. If a majority of the votes cast at such election shall be for a three-fifths vote to remove a county seat, then the words "a majority" shall be stricken out of section four of the article on Counties, and the words "three-fifths" shall be inserted in lieu thereof, and the following words shall be added to said section, to wit: "But when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary." If the foregoing proposition shall not receive a majority of the votes, as aforesaid, then the same shall have no effect whatever.

§ 13. Immediately after the adoption of this constitution, the governor and secretary of State shall proceed to ascertain and fix the apportionment of the State for members of the First House of

Representatives under this constitution. The apportionment shall be based upon the federal census of the year of our Lord one thousand eight hundred and seventy, of the State of Illinois, and shall be made strictly in accordance with the rules and principles announced in the article on the legislative department of this constitution. *Provided*, that in case the federal census aforesaid cannot be ascertained prior to Friday, the twenty-third day of September, in the year of our Lord one thousand eight hundred and seventy, then the said apportionment shall be based on the State census of the year of our Lord one thousand eight hundred and sixty-five, in accordance with the rules and principles aforesaid. The governor shall on or before Wednesday, the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and seventy, make official announcement of said apportionment, under the great seal of the State; and one hundred copies thereof, duly certified, shall be forthwith transmitted by the secretary of State to each county clerk for distribution.

§ 14. The districts shall be regularly numbered by the secretary of State, commencing with Alexander county as number one, and proceeding then northwardly through the State, and terminating with the County of Cook, but no county shall be numbered as more than one district, except the County of Cook, which shall constitute three districts, each embracing the territory contained in the now existing representative districts of said county. And on the Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, the members of the first House of Representatives under this constitution shall be elected according to the apportionment fixed and announced as aforesaid, and shall hold their offices for two years, and until their successors shall be elected and qualified.

§ 15. The Senate, at its first session under this constitution, shall consist of fifty members, to be chosen as follows: At the general election held on the first Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy, two senators shall be elected in districts where the term of senators expires on the first Monday of January, in the year of our Lord one thousand eight hundred and seventy-one, or where there shall be a vacancy, and in the remaining districts one senator shall be elected. Senators so elected shall hold their office two years.

§ 16. The General Assembly, at its first session held after the adoption of this constitution, shall proceed to apportion the State for members of the Senate and House of Representatives, in accordance with the provisions of the article on the Legislative department.

§ 17. When this constitution shall be ratified by the people, the governor shall forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties of this State, or in case of vacancies, to the coroners, for the election of all the officers, the time of whose election is fixed by this constitution or schedule, and it shall be the duty of such sheriffs or coroners to give such notice of the time and place of said election as is now prescribed by law.

§ 18. All laws of the State of Illinois, and all official writings, and the executive, legislative and judicial proceedings shall be conducted, preserved and published in no other than the English language.

§ 19. The General Assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

§ 20. The circuit clerks of the different counties, having a population over sixty thousand, shall continue to be recorders (*ex-officio*) for their respective counties, under this constitution, until the expiration of their respective terms.

§ 21. The judges of all courts of record in Cook county shall, in lieu of any salary provided for in this constitution, receive the compensation now provided by law until the adjournment of the first session of the General Assembly after the adoption of this constitution.

§ 22. The present judge of the circuit court of Cook county shall continue to hold the circuit court of Lake county until otherwise provided by law.

§ 23. When this constitution shall be adopted, and take effect as the supreme law of the State of Illinois, the two-mill tax provided to be annually assessed and collected upon each dollar's worth of taxable property, in addition to all other taxes, as set forth in article fifteen of the now existing constitution, shall cease to be assessed after the year of our Lord one thousand eight hundred and seventy.

§ 24. Nothing contained in this constitution shall be construed as to deprive the General Assembly of power to authorize the City of Quincy to create any indebtedness for railroad or municipal pur-

poses for which the people of said city shall have voted, and to which they shall have given, by such vote, their assent, prior to the thirteenth day of December, in the year of our Lord one thousand eight hundred and sixty-nine. *Provided*, that no such indebtedness, so created, shall, in any part thereof, be paid by the State, or from any State revenue tax or fund, but the same shall be paid, if at all, by the said City of Quincy alone, and by taxes to be levied upon the taxable property thereof. *And provided, further*, that the General Assembly shall have no power in the premises that it could not exercise under the present constitution of this State.

§ 25. In case this constitution and the articles and sections submitted separately, be adopted, the existing constitution shall cease in all its provisions; and in case this constitution be adopted, and any one or more of the articles or sections submitted separately be defeated, the provisions of the existing constitution, if any, on the same subject, shall remain in force.

§ 26. The provisions of this constitution required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately.

Done in convention at the capitol, in the city of Springfield, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States of America the ninty-fourth.

The following amendment was adopted in 1886:

Hereafter, it shall be unlawful for the commissioners of any penitentiary, or other reformatory institution in the State of Illinois, to let by contract to any person or persons, or corporations, the labor of any convict confined within said institution.

APPENDIX.

CONSTITUTION OF THE UNITED STATES.

[Went into operation on the first Wednesday in March, 1789.]

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

OF THE LEGISLATIVE POWER.

§ 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

OF THE HOUSE OF REPRESENTATIVES.

§ 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives

shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

OF THE SENATE.

§ 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if the vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they shall be equally divided.

The Senate shall choose their other officers, and shall have a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

MANNER OF ELECTING MEMBERS.

§ 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

CONGRESS TO ASSEMBLE ANNUALLY.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

POWERS.

§ 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

COMPENSATION, ETC., OF MEMBERS.

§ 6. The Senators and Representatives shall receive a compensation, for their services, to be ascertained by law, and paid out of

the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

MANNER OF PASSING BILLS, ETC.

§ 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall b sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by

two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

POWER OF CONGRESS.

§ 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian Tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for organizing, arming and disciplining the militia, Union; suppress insurrections and repel invasions;

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenels, dockyards and other needful buildings; and

To make all laws which shall be necesary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

LIMITATION OF THE POWER OF CONGRESS.

§ 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince or foreign State.

LIMITATION OF THE POWERS OF THE INDIVIDUAL STATES.

§ 10. No State shall enter into any treaty, alliance or confederation; grant letters of marque or reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

EXECUTIVE POWER.

§ 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

MANNER OF ELECTING.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representatives, or person holding an office of trust or profit under the United States, shall be appointed an elector.

(The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State as themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of

the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately chose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the president, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*)

TIME OF CHOOSING ELECTORS.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

WHO ELIGIBLE.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

WHEN THE PRESIDENT'S POWER DEVOLVES ON THE VICE-PRESIDENT.

In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

*Altered by the 12th Amendment,

PRESIDENT'S COMPENSATION.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

OATH.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

POWERS AND DUTIES.

§ 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

§ 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses or either of them, and

in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

OFFICERS REMOVED.

§ 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

OF THE JUDICIARY.

§ 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

§ 2. (The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction, to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.*)

JURISDICTION OF SUPREME COURT.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

*Altered by the 11th Amendment.

OF TRIALS FOR CRIMES.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

OF TREASON.

§ 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainer of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

STATE ACTS.

§ 1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

PRIVILEGES OF CITIZENS.

§ 2. The citizens of each State shall be entitled to all privileges and immunities of citizens to the several States.

A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

RUNAWAYS TO BE DELIVERED UP.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation thereof, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

NEW STATES.

§ 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

TERRITORIAL AND OTHER PROPERTY.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory, or this property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

§ 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.

AMENDMENTS.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

DEBTS.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

SUPREME LAW OF THE LAND.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

OATH.—NO RELIGIOUS TEST.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office, or public trust, under the United States.

ARTICLE VII.

The ratifications of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President and Deputy from Virginia.

New Hampshire—John Langdon, Nicholas Gilman. *Massachusetts*—Nathaniel Gorman, Rufus King. *Connecticut*—William Samuel Johnson, Roger Sherman. *New York*—Alexander Hamilton. *New Jersey*—William Livingston, David Brearley, William Patterson, Jonathan Dayton. *Pennsylvania*—Benjamin Franklin, Thomas Miffin, Robert Morris, George Clmyer, Thomas Fitzsimmons, Jared Ingersoll, James Wilson, Gouverneur Morris. *Delaware*—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom. *Maryland*—James M'Henry, Daniel of St. Tho. Jenifer, Daniel Carroll. *Virginia*—John Blair, James Madison, Jr. *North Carolina*—William Blount, Richard Dobbs Spaight, Hugh William-

son. *South Carolina*—John Rutledge, Chas. Coatesworth Pinckney, Charles Pinckney, Pierce Butler. *Georgia*—William Few, Abraham Baldwin. *Attest*, WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

[The first ten amendments were proposed by Congress at their first session, in 1789. The eleventh was proposed in 1794, and the twelfth in 1803.]

ARTICLE I.

FREE EXERCISE OF RELIGION.

Congress shall make no law respecting an establishment of religion, or prohibiting a free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

RIGHT TO BEAR ARMS.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

NO SOLDIER TO BE BILLETED, ETC.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

UNREASONABLE SEARCHES PROHIBITED.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

CRIMINAL PROCEEDINGS.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentation or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

MODE OF TRIAL.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

RIGHT OF TRIAL BY JURY.

In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any Court of the United States than according to the rules of the common law.

ARTICLE VIII.

BAIL.—FINES.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

RIGHTS NOT ENUMERATED.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

POWERS RESERVED.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ARTICLE XI.

LIMITATION OF JUDICIAL POWERS.

The judicial power of the United States shall not be construed to extend to any suit in law of equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

ELECTION OF PRESIDENT.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted

for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the vote shall be taken by States, the representative from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of death or other Constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for that purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person Constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

[Ratified in 1865.]

ARTICLE XIII.

§ 1. Neither Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

§ 2. Congress shall have power to enforce this article by appropriate legislation.

[Ratified in 1868.]

ARTICLE XIV.

§ 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States. Nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

§ 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed; but whenever the right to vote at any election for electors of President and Vice-President, or United States Representative in Congress, executive and judicial officers, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in that State.

§ 3. No person shall be a Senator or Representative in Congress, elector or President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any Sate, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may by a vote of two-thirds of each House, remove such disability.

§ 4. The validity of the public debt of the United States authorized by law, including debts incurred for the payment of pensions and bounties for service in suppressing insurrection or rebellion, shall not be questioned; but neither the United States not any State shall assume to pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be illegal and void.

§ 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[Ratified in 1870.]

ARTICLE XV.

§ 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color or previous condition of servitude.

§ 2. Congress shall have power to enforce this Article by appropriate legislation.

INDEX.

Page.

Accidental President 163
Adjutant-General 116
Administrators, public 114
Agriculture, department of 176
Agriculture, State board of 105
Aldermen 77, 78
Alliances of States prohibited 186
Ambassadors 171
Amendments to constitution 188
Annual town meeting 66
 Manner of voting 66
 Miscellaneous business 67
 Moderator 66
Anti-trust law 145
Appellate court district 125
Appellate courts 46
 Decision 46
 Districts 46
 Jurisdiction 46
Appointment, town board of 74
Appointments, executive 39, 166
Apportionment of school funds 84, 87, 92
Apportionments, congressional 130
Arbitration, State board of 112
Architect, State 112
Architects, State board of examiners 111
Army 150
Articles of confederation 127
Assessor 71
Asylum for feeble-minded children 101
 The incurable insane 100
 Insane criminals 100
Attorney-General, National 174
 State 44
Auditor of public accounts 42
Auditors, town board of 74
Australian ballot 66
Bankruptcy 146
Base line in surveys 9
Blind, Industrial Home for 102
 Institution for the 101

Page.
Board of review 72
Boards of Education 97
State institutions 104
Boundary of Illinois 8
Canal commissioners 105
Capitals of Illinois 7
Charges d'Affaires 171
Charitable institutions 100
Charters, special prohibited 31
Circuit circuits 47, 125
Clerk 47
Court of appeals 182
Courts, National 183
State 47, 125
Jurisdiction 183, 48
Cities and villages 77
Citizen soldiers 116
Citizenship 185
City attorney 81
Clerk 79
Council 77, 78
Courts 80
Marshal 81
Civil rights 157, 187
Service 167
Coast survey 173
Coasting trade 155
Collector, county 85
Town 72
Commerce 144
Commission of claims 111
Commissioner of customs 172
Internal revenue 172, 173
Land office 175
Patents 175
Pensions 175
Commissioners of labor 107
Committee of the whole 26
Comptroller, city 80
Of the currency 173
Compulsory education 96
Congress 129
Adjournments 139
Journals 139
Limitations 154
Meetings 138
Members. (See members of Congress.)
Membership 138

Page.
Powers 140
Quorum 138
Rules 138
Yeas and nays 139
Congressional districts of Illinois 118
Constitution, National 128, 239
State 8, 191
Consular bureau 171
Consuls 171
Conventions, National 161
Convict labor 102
Copyrights and patents 148
Coroner 64
Acts as sheriff, when 65
Corporation counsel 80
Corporations, kinds of 42
Correction lines 11
Counterfeiting 148
Counties, relation to State 50
County board 70
Clerk 58
Commissions, board of 58
Court 61
Government 55
Organization 58
Seats 31, 55
Superintendent of schools 87
Court of claims 184
Courts of Cook county 48
Credit, State cannot loan 33
Cruelty to animals, prevention of 109
Custom house 173
Deaf and dumb, institution for 101
Debts, illegal 188
Public 189
Declaration of Independence 127
Deeds, commissioners of 114
How recorded 60
Dental surgeons, State board examiners 111
Departments, executive, National 170
Heads of 170
Agriculture 176
Interior 175
Justice 174
Navy 175
Post-office 174
State 170
Treasury 172
War 173

Page.
Departments of government, State 17
Diplomatic bureau 170
Direct taxes 142, 155
Directors, school 94
Duties 95, 96, 97
Election 94
Organization 94
District courts, National 184
Judges 184
Jurisdiction 183
District of Columbia 151
Districts, appellate court 46, 125
Congressional 118
Road 73
School 91
Senatorial 18, 120
Supreme court 45, 124
Domestic bureau 172
Double corners in surveys 12
Drainage 36, 73
Duties 141, 155, 187
Educational institutions 98
Electoral count bill 159
System 152, 161
Ticket, State 162
Envoys extraordinary 171
Equalization of taxes, county 71
State board of 105
Town board of 74
Executive department, cities 79
County 58
National 157
State 37
Town 69
Expenditures 156
Exports, duties on prohibited 155
Eye and Ear Infirmary 101
Factory, State inspector 115
Farmer's Institute, Illinois 100
Fish commissioners 107
General Assembly 17
Adjournment 27
Contempt of 26
Expenses 32
Extra session 39
How designated 18
Journals 27
Members. (See members of General Assembly.)
Membership 22

Page.
Officers 23
Open doors 26
Quorum 22
Rules 22
Time and place of meeting 18
Governor, eligibility 38, 39
Executive power 39
Message 39
Veto 29
Grain inspectors 106, 115
Grand divisions, supreme court 44, 123
Grand jury, indictment by 180
Greenbacks 144
Guide meridians 12
Habeas corpus 154
Health, State board of 104
Public in towns 68
Town board of 74
High seas 149
Highway commissioners 72
Historical library 108
Sketch, National 127
State 7
Homestead and exemption laws 36
Horseshoers, State board of examiners 111
Hospital for the insane 100
House of Representatives, National 129
Officers 132
House of Representatives, State:
Clerk 24
Committees 23
Doorkeeper 24
Enrolling clerk 25
Employes 25
Number of representatives 18
Organization 25
Postmaster 25
Speaker 23
Illinois Central Railroad 116
Illinois & Michigan Canal 117
Illinois, survey of 14
Territory 7
Impeachment, National 133
Trial of 136
Impeachment, officers liable to, State 33
Power of 34
Punishment 34
Trial of 34
Trial of Governor 34

Page.
Indebtedness, release of prohibited 31
Of State limited 33
Indiana Territory 7
Indirect taxes 141
Inferior courts 149, 177
Inspectors of coal mines 109
Insurance superintendent 115
Interior, department of 175
Inter-state commerce 144
Commission 145
Judges, National 180, 182, 183
State:
Appellate 46
Circuit 47
County 61
Probate 62
Supreme 45
Judicial department, cities 80
County 61
National 177
State 44
Town 75
Judicial power 177
Jury 179
Grand 48
Petit 49
Justice, department of 174
Justices of the Peace 75
Appointed for Chicago 75, 113
Jurisdiction 75
Preliminary examination 76
Labor statistics, bureau of 107
Land, descriptions abbreviated 15
How described 13
How divided 9
Law of nations 149
Laws, ex post facto 155
Amended or revived 29
Distribution of 42
Must be printed when 28
One subject 28
Originate where 28
Special prohibited 30
Style of 27
Take effect when 29
Three readings 28
Veto 29
Voted upon, how 28

Page.
Legislative Department, cities 77
County 55
National 129
State 17
Town 66
Lieutenant-Governor 41
President of senate 41
Successor to governor 41
Lighthouse board 173
Limitations on the States 186
Lincoln homestead trustees 108
Monument commissioners 111
Live stock commissioners 108
Lotteries prohibited 35
Marque and reprisal 150
Master in chancery 47
Mayor 79
Message 79
Members of Congress 136
Disabilities 140
Election 134
Eligibility 129, 136
Oath 140
Pay 139
Privileges 140
Members of General Assembly 18
Disabilities 21
Election 18
Eligibility 20
Expulsion 26
Oath 20
Pay 21
Privilege 21
Protest 27
Term 20
Vacancies 19
Military Academy 174
Militia 116, 151
Miners, protection of 36
Ministers Plenipotentiary 171
Resident 171
Minority representation 19
Miscellaneous, National 185
State 98
Misdemeanor, defined 75
Money, borrowing of 143
Coining of 147, 186
Natural history museum 108
Naturalization 146

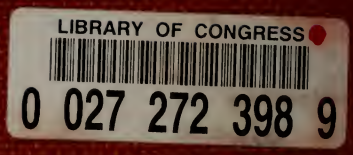
Page.
Navy 150, 151, 175
Nobility, title of 156
Normal School, Eastern Illinois 98
Northern Illinois 98
Southern Illinois 98
State 98
Western Illinois 99
Northwest Territory 7
Notaries Public 113
Officers:
Appointed by Governor..104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115
County Executive 58
County Judicial 61
House of Representatives 23
Senate 23
State, election of 37
Pardons, State board of 112
Patents 148, 175
Pay, extra prohibited 33
Penal and reformatory institutions 102
Penitentiary, Illinois State 102
Southern Illinois 102
Personal rights 178, 187, 189
Pharmacy, Board of 110
Piracy 149
Plan of government 17
Plumping 19
Police magistrates 80
Post-Office department 148, 174
Postmaster-General 148
Postmasters, how appointed 148
Powers of Congress 140
Execution of 153
Limitation of 154
President 157
Commander-in-Chief 164
Eligibility 162
How chosen 158
Message 168
Oath 164
Salary 176
Veto 168
Presidential succession 162
President's cabinet 176
Principal meridian 9
Meridians, location of 13
Printer, expert 104, 115
Privileges, special prohibited 31

Page.
Probate court 62
Public charities, commissioners of..... 106
Public land 7
Public moneys and appropriations..... 32
Railroad and warehouse commission..... 106
Ranges in surveys..... 14
Recorder of deeds..... 60
Circuit clerk recorder, when..... 47
Reformatory, State 103
Register 173
Religious freedom 157
Representation 135, 185
Reprieves and pardons..... 40, 165
Requisitions 185
Returning board, State..... 104
Revenue, bills for..... 133
Rights reserved 186
School funds 83
Distribution of 84
School sections 15
School system 82
Origin 82
Relation to State..... 83
Secretaries of Legation..... 171
Secretary of Agriculture..... 176
Interior 175
Navy 175
State 41, 170
Treasury 172
Sections 10, 15
Senate, National 134
Executive powers 137, 166
Officers 136
Senate, State 17
Secretary of 24
Senatorial districts 120
Senators 134
Eligibility 136
How chosen 134
Sergeant-at-Arms 24
Sheriff 62
Deputies 64
Slavery 131, 154, 189
Soldiers' and Sailors' Home..... 101
Soldiers' Orphans' Home..... 101
Soldiers' Widows' Home of Illinois..... 102
State boards 104
State contracts 34
Commissions of 104

Page.
State, department of 170
State entomologist 114
Food commissioner 113
Game commissioner 115
Geologist 108
Government 17
Expenses of 32
Home for Juvenile Offenders 103
Horticultural society 110
Statehouse, new 36
State library, commissioners of 108
Mining board 109
States, admission of 188
Limitations on 186
Rights of 185
State's attorney 64
State Superintendent 86
Streets, superintendent of 80
Superintendent of banking department 114
Supervisor of assessments 72
Supervisors 69
Supervisors, assistant 70
Board of 55
Supreme court, National 177
Judges of 177, 181, 182
Jurisdiction 181
Supreme court, State 44, 123
Supreme law 189
Surplus revenue 84
Surveyor, county 61
Taxes and duties 141
Tenure of office bill 166
Town boards 74
Clerk 71
Government 66
Meetings, special 69
Towns, incorporated 53
Organized 51
Township High School 92
Lines 9
Organization 52
Survey system 9
Congressional 9
How described 13
School 51
Treason 180
Treasurer, city 79
County 59
Highway commissioners 72
State 43
Township 93

Page.
Treasury, department of 172
Treaties 165
Trustees of schools 90
University of Illinois 99
Vacancies 132, 167
Veterinarian, State 113
Veto 29, 168
Vice-President 136, 162
Villages, trustees of 81
Other officers 81
Voters, legal 68
War 187
Department of 173
Power to declare 149
Wards in cities 78
Weigh-masters, State 106
Weights and measures 42, 147

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